

**CITY OF CENTRAL, COLORADO**  
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on  
**Tuesday, April 19 2016 @ 7:00 p.m.**  
141 Nevada Street, Central City, Colorado  
**AGENDA**

The City Council meeting packets are prepared several days prior to the meetings and available for public inspection at City Hall during normal business hours the Monday prior to the meeting. This information is reviewed and studied by the City Council members, eliminating lengthy discussions to gain basic understanding. Timely action and short discussion on agenda items does not reflect lack of thought or analysis. Agendas are posted on the City's website, the City Hall bulletin board and at the Post Office the Friday prior to the Council meeting.

**7:00pm Council Meeting**

1. Call to Order.
2. Roll Call.

Mayor	Ron Engels
Mayor Pro-Tem	Kathy Heider
Council members	Shirley Voorhies
	Judy Laratta
	Jeff Aiken
3. Pledge of Allegiance
4. Additions and/or Amendments to the Agenda.
5. Conflict of Interest.
6. Consent Agenda: The Consent Agenda contains items that can be decided without discussion. Any Council member may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under Action items in the order they appear on the agenda (this should be done prior to the motion to approve the consent agenda).

Regular Bill lists through April 7; and  
City Council minutes: March 15, 2016.

**PUBLIC FORUM/AUDIENCE PARTICIPATION** — *(public comment on items on the agenda not including Public Hearing items):* the City Council welcomes you here and thanks you for your time and concerns. If you wish to address the City Council, this is the time set on the agenda for you to do so. When you are recognized, please step to the podium, state your name and address then address the City Council. Your comments should be limited to **three (3) minutes per speaker**. The City Council may not respond to your comments this evening, rather they may take your comments and suggestions under advisement and your questions may be directed to the City Manager for follow-up. Thank you.

**ACTION ITEMS: NEW BUSINESS** —

7. Ordinance No. 16-01: An ordinance amending certain provision of Article IV (Traffic Regulations) and Article V (Miscellaneous Regulations) of Chapter 8 of the City of Central Municipal Code. (Miera)
8. Ordinance No. 16-02: An ordinance of the City Council of the City of Central, Colorado submitting a Ballot Issue at the November 8, 2016 Election regarding imposing a tax of five percent (5%) on all retail sales of marijuana and retail marijuana products, which is expected to increase the City's revenues by approximately \$130,000 in 2017 (the first full fiscal year). (McAskin)
9. Resolution No. 16-12: A resolution of the City Council of the City of Central, Colorado, approving the First Addendum to Memorandum of Understanding regarding Law Enforcement Services. (Miera)
10. Resolution No. 16-13: A resolution of the City Council of the City of Central, Colorado, waiving certain application requirements for the City's 2016 Access Project and conditionally approving an Access Permit for the project. (McAskin)

11. Municipal Clerk's Week Proclamation

**REPORTS** –

12. Staff updates – City Clean-up Friday, May 13 at 9:30AM in the Big T Lot with a rain date of 5/20

**COUNCIL COMMENTS** - limited to 5 minutes each member.

**PUBLIC FORUM/AUDIENCE PARTICIPATION** – for non-action items not Action or Public Hearing items on this agenda (same rules apply as outlined in the earlier Public Forum section).

**ADJOURN.** Next Council meeting April 19, 2016.

Posted 4/14/2016

Please call Reba Bechtel, City Clerk at 303-582-5251 at least 48 hours prior to the Council meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting.

Check Issue Date	Check Number	Payee	Description	Amount
03/24/2016	131054	AIRGAS USA LLC	Rental agreement - acetylene, helium,	99.54
03/24/2016	131055	ALPERSTEIN & COVELL PC	Professional Services for Water Litigati	628.00
03/24/2016	131056	AUSMUS LAW FIRM PC	Prosecution Services for March 2016	600.00
03/24/2016	131057	AV-TECH ELECTRONICS INC.	ATC Fuse Block, halogen bulb, labor	450.58
03/24/2016	131058	BRODY CHEMICAL COMP INC	Polar ice melt	547.61
03/24/2016	131059	CARDMEMBER SERVICES	Finance fees	2,025.68
03/24/2016	131060	CENTRAL CITY BUSINESS IMPROVEMENT D	BID Marketing/Device Fees	53,663.62
03/24/2016	131061	CENTURY CASINO	Refund ck #21895 incorrect amt on ck	458.80
03/24/2016	131062	CINTAS Corporation	AED View Lease	99.00
03/24/2016	131063	City of Central, Water Dept	Water for Gilpin Cty Art Assn	240.00
03/24/2016	131064	CO DIVISION OF FIRE PREVENTION	Chief Officer Training	150.00
03/24/2016	131065	DE LAGE LANDEN	Printer Lease for Savin	537.66
03/24/2016	131066	DEERE CREDIT INC	Loader Lease	2,766.86
03/24/2016	131067	EMERGENCY REPORTING	Fire Reporting	165.00
03/24/2016	131068	Galls, LLC	Uniforms	227.24
03/24/2016	131069	GARY ALLEN	Tip reimburse. Fire Award dinner	150.00
03/24/2016	131070	GILPIN COUNTY HISTORICAL SOC.	Washington Hall Docent 2016	23,256.07
03/24/2016	131071	Grainger	Pre-moistened cleaning tissues	17.14
03/24/2016	131072	INTERMOUNTAIN SAFETY SHOES	Safety Boots for Kevin Webb	108.85
03/24/2016	131073	INTERMOUNTAIN SWEEPER CO	Sweeper parts	6,063.40
03/24/2016	131074	J AND S CONTRACTORS SUPPLY CO.	Way finding signs	681.60
03/24/2016	131075	KOIS BROTHERS EQUIPMENT CO INC	SW-Clutch	165.67
03/24/2016	131076	MATTHEW BENDER & CO.	Colo Peace Officers Handbook	75.08
03/24/2016	131077	MORNING STAR ELEVATOR	Elevator repair	1,372.25
03/24/2016	131078	O.J. WATSON COMPANY INC.	Snow plow parts	249.08
03/24/2016	131079	OFFICE STUFF, INC.	Pens & folders	196.43
03/24/2016	131080	PEAK PERFORMANCE IMAGING	Metered Billing for Printer	490.62
03/24/2016	131081	PITNEY BOWES	Leased Equipment	177.00
03/24/2016	131082	Raymond Rears	Mileage to Opera Board Meeting	26.45
03/24/2016	131083	REX OIL COMPANY	Diesel Fuel	1,859.15
03/24/2016	131084	Robison Advertising Design	4"x9" Central City rack cards	1,185.00
03/24/2016	131085	SAFEGUARD	Endorsement stamp	41.41
03/24/2016	131086	SGS Accutest Inc.	State Forms -Drinking water	225.50
03/24/2016	131087	SPRINT	Long Distance Charges	22.39
03/24/2016	131088	T AND D CAR WASH	Car Washes	117.28
03/24/2016	131089	TOWN OFFICE SUPPLY	Business Cards for Keeler	52.95
03/24/2016	131090	UTILITY NOTIFICATION CENTER	RTL Transmissions	31.46
03/24/2016	131091	VERIZON WIRELESS	Cellular Service	1,218.31
03/24/2016	131092	W2 ENGINEERS LLC	USDA ECWAG coordination & applicati	840.00
03/24/2016	131093	Widner Michow & Cox LLP	Clear Creek Development	7,845.16
03/24/2016	131094	XCEL ENERGY	Electricity	7,201.17
03/24/2016	131095	YESCO	Maintenance Agreement	95.00
04/07/2016	131105	A & E TIRE INC.	Tires for RAM 3500-	871.92
04/07/2016	131106	Abigail Adame	Travel Reimbursement	75.60
04/07/2016	131107	ASSURANT EMPLOYEE BENEFITS	Employee Benefits for April	2,103.04
04/07/2016	131108	AV-TECH ELECTRONICS INC.	Fire Truck Repair - Master station	63.75
04/07/2016	131109	C. Troyer	Property sold - credit balance due	85.17
04/07/2016	131110	CANYON GLASS & GUTTERS INC	Fire Truck Repair	173.00
04/07/2016	131111	CENTRAL CITY OPERA HOUSE ASSN	Property Sold - Credit balance	90.00
04/07/2016	131112	CINTAS Corporation	AED View Lease	99.00
04/07/2016	131113	CIRSA	Workers Comp Qtrly Pmt	33,403.00
04/07/2016	131114	City of Central, Water Dept	Water Service for 740 Louis Dr	120.00
04/07/2016	131115	Complete Business Systems of C, Inc.	Network Services Agreement	2,070.00
04/07/2016	131116	COORS BREWING COMPANY	Lease and use of Wannamaker Aug.St	17,063.96
04/07/2016	131117	DPC Industries, Inc.	Chlorine	30.00
04/07/2016	131118	EXQUISITE ENTERPRISES INC.	Council Chamber Nameplate - Braning	26.86
04/07/2016	131119	FERNO-WASHINGTON, INC.	Stair Chair	6,814.13
04/07/2016	131120	GILPIN COUNTY SHERIFFS OFFICE	Calls for Service	307.00



Check Issue Date	Check Number	Payee	Description	Amount
04/07/2016	131121	GOLDER ASSOCIATES	On Call 2016 Support	849.39
04/07/2016	131122	IAFC MEMBERSHIP	Membership Dues	284.00
04/07/2016	131123	INTEGRA TELECOM	Long Distance Services for City Hall	725.13
04/07/2016	131124	Joyce Kay Hoppal	Property Sold - Credit balance	16.55
04/07/2016	131125	JVA INCORPORATED	Blg T Lot Initial Investigation	1,364.00
04/07/2016	131126	OFFICE STUFF, INC.	Replacement lateral file	2,521.94
04/07/2016	131127	PRAETORIAN GROUP INC	Training	500.00
04/07/2016	131128	ROCKY MTN POWER GENERATION INC	Annual Generator Service	1,850.00
04/07/2016	131129	SGS Accutest Inc.	State Forms-Drinking water	148.00
04/07/2016	131130	ST ANTHONY HOSPITAL	Mountain Mini-Conference	735.00
04/07/2016	131131	TOWN OFFICE SUPPLY	Business Cards for Susan	52.95
04/07/2016	131132	THE FARMERS HIGH LINE CANAL	Assessment for Certificates	5,067.00
Grand Totals:				<u>192,934.40</u>



**CITY OF CENTRAL  
CREDIT CARD PURCHASES**

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
3/4/2016	Hurricane Electric	Web Hosting	19.90
3/4/2016	USPS	Mailing Postage	47.90
2/8/2016	Bristlecone Shooting	Firearm Inspection - Police Dept.	37.50
2/11/2016	Mood Pandora	Music Service	24.95
2/29/2016	ASIS International	Membership Fees-Police Dept.	215.00
2/15/2016	Digital buyer.com	Paper Shredder - Fire Dept.	938.00
2/11/2016	Midway USA	Diamondback Binoculars-Fire Dept	180.00
2/20/2016	Otterbox/Lifeproof	Small Equipment - Fire Dept.	30.76
2/22/2016	CO. St. Fire Chiefs	Meeting Registration - Fire Dept	56.65
2/22/2016	Crystal River Gems	Fools Gold, Pyrite Rock - Visitors Ctr	69.25
2/25/2016	O.C.P.O./C.E.T.I.	Certification - Water Plant	60.00
2/26/2016	Home Depot	Small Tools - Public Works	53.35
2/4/2016	SQ Heidi Dom	Sandwiches - Election Judges	45.00
2/11/2016	Amazon.com	Misc. Office Supplies	69.50
3/1/2016	Wal-Mart	Misc. - Election Judges	62.12
3/4/2016	Colorado Business Bank	Credit Card Processing Fees	115.80
<hr/> <b>TOTAL for Credit Cards</b>			<b>2,025.68</b>
<b>Total for All Cards</b>			<b>2,025.68</b>



**CITY OF CENTRAL  
CITY COUNCIL MEETING  
March 15, 2016**

**CALL TO ORDER**

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 5:35 p.m., in City Hall on March 15, 2016.

**ROLL CALL**

Present: Mayor Engels  
Mayor *pro tem* Heider  
Alderman Voorhies  
Alderman Laratta  
Alderman Aiken

Absent: None

Staff Present: City Manager Miera  
City Clerk Bechtel  
Attorney McAskin  
Community Development Director Rears  
Public Utilities Director Nelson

**EXECUTIVE SESSION**

Mayor *pro tem* Heider moved to go into Executive Session pursuant to C.R.S. 24-6-402(4)(b) and (4)(e) to discuss specific legal questions and to instruct negotiators concerning pending water rights cases concerning the City of Central and to reconvene the regular City Council meeting at the end of the session. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

At 7:05 p.m., Mayor Engels reconvened regular session.

The Pledge of Allegiance was recited by all present.

**ADDITIONS AND/OR AMENDMENTS TO THE AGENDA**

The agenda was approved with the addition of a report from Barbara Thielemann on the Belvidere.

**CONFLICTS OF INTEREST**

No Council Member disclosed a conflict regarding any item on the agenda.

**CONSENT AGENDA**

Alderman Voorhies moved to approve the consent agenda containing the regular bill lists through March 9; and the City Council minutes for the meeting on January February 16 and 26, 2016. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

**PUBLICFORUM/AUDIENCEDPARTICIPATION**

No one requested time to address the Council.

## **ACTION ITEMS: NEW BUSINESS**

### Gilpin History Annual Report

Deb Wray, President of Gilpin History reviewed the work and events that they have accomplished in 2015. Mayor Engels expressed appreciation for time and commitment from the volunteers which is all part of the vision for Central City.

### Appointment of Alternate to Main Street Commission

Mayor *pro tem* Heider moved to appoint LaNora Braning to the Main Street Commission. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

### Fire Station Conceptual Drawings

Fire Chief Allen was on an emergency call so Alderman Voorhies moved to continue this item to the April 5 Council Meeting. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

### CPI Documentary Regarding the Belvidere on the CPI Endangered Places List for 2016

Barbara Thielemann gave the background for the Belvidere to be named on the Endangered Places List.

## **REPORTS**

### City Manager Annual Review

Attorney McAskin provided the Charter provisions from Section 5.6 *Council Acts* which states that Council may act by motion so requested that Council make a motion regarding the performance bonus discussed in a previous Executive Session.

Alderman Voorhies moved to authorize the Finance Director to make a one time payment to City Manager Daniel Miera in the amount of \$3,000 representing the City Manager's performance bonus for services rendered to the City through and including December 31, 2015. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Mayor *pro tem* Heider added that Manager Miera has earned every penny and has been a real asset to the City. Alderman Laratta and Mayor Engels concurred.

City Manager Miera announced that the City closed on the Big T Lot for a purchase price of \$325,000. Mayor Engels thanked Attorney McAskin, CDD Rears, and Manager Miera for working to make this happen.

## **COUNCIL COMMENTS**

Alderman Laratta thanked Public Utilities Director Nelson for his one day turn on her call regarding her broken meter cover.

Mayor *pro tem* Heider reported that the Gilpin Ambulance Board vacancy has been filled by Linda Eisenhart.

Alderman Voorhies stated that she has not yet seen a proposed IGA regarding police services and does not know where she stands on this issue.

Alderman Aiken related that he called dispatch this weekend and a GCSO responded to his call within 10 minutes as our officer was not in the area.

Mayor Engels thanked the Reserve Casino Hotel for their participation in a fundraiser for the High Country Auxiliary/Timberline Fire. The food was excellent and helped make the event a success.

#### **PUBLICFORUM/AUDIENCEPARTICIPATION**

Deb Wray, 706 Martin Drive, asked for an update on the post removal on Eureka. Manager Miera reported that USA communications is working to complete the underground work on the fiber optics and then the poles will be removed late spring.

#### **EXECUTIVE SESSION**

At 7:44 p.m., Mayor *pro tem* Heider moved to go into Executive Session:

Pursuant to C.R.S. 24-6-402(4)(e) for the purposes of developing strategies relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiators regarding property located on Nevada Street in Central City; and

Pursuant to C.R.S. 24-6-402(4)(b) and (4)(e) to discuss specific legal questions regarding pending litigation and for the purposes of developing positions relative to matters that may be subject to negotiations; developing strategies for negotiations; and instructing negotiators concerning case filed in Gilpin County District Court on October 22, 2015 naming the City and the Gilpin County Historical Society as defendants; and

Pursuant to C.R.S. 24-6-402(4)(b) to discuss specific legal questions regarding terms and conditions of a proposed contract. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

The next Council meeting is scheduled for April 5, 2016 at 7:00 p.m.

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Ronald E. Engels, Mayor

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Reba Bechtel, City Clerk





## AGENDA ITEM # 7

### CITY COUNCIL COMMUNICATION FORM

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**FROM:** Marcus McAskin, City Attorney

**DATE:** April 14, 2016

**ITEM:** Ordinance 16-01 Approving Amendments to Articles IV and V of Chapter 8 of the Municipal Code

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☒ ORDINANCE  
☐ MOTION  
☐ INFORMATION

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I. **REQUEST OR ISSUE:** Ordinance No. 16-01 approves certain amendments to Article IV and Article V of Chapter 8 of the Municipal Code.

II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 16-01 on first reading and schedule a public hearing and second reading of the Ordinance on a time and date certain.

Currently, it is anticipated that second reading of the Ordinance will occur on Tuesday, May 3, 2016.

III. **FISCAL IMPACTS:** Approval of the Ordinance is not expected to have any significant fiscal impact on the City.

IV. **BACKGROUND INFORMATION:**

The City has experienced an increase in commercial vehicle and bus parking in residential districts of the City, as well as in other portions of the City. City Staff desires to restrict bus loading and unloading to the three specific shuttle stops currently designated within the City boundaries, and adopt regulations aimed at minimizing or eliminating other externalities associated with the unlawful parking or operation of commercial vehicles within the City.

The proposed Ordinance makes modifications to existing provisions of Article IV and Article V of Chapter 8 of the Municipal Code, regulating vehicle and traffic. A legislative redline version of the proposed changes to the Code is attached to this Council Communication Form as ATTACHMENT A and is incorporated herein.

By way of example and not limitation the proposed Code revisions proposed by the Ordinance modify Sections 8-4-20 and Section 8-4-30 of the Code to permit the City Council to authorize the City Manager to post traffic control or other appropriate signs in accordance with Chapter 8 of the Code in order to take all necessary and proper steps to restrict vehicular traffic on certain public streets, highways or any other roadways located within the City when merited by conditions that Council finds to exist following review at a public meeting. Such traffic restriction may be accomplished by gating devices, barricades and other traffic control devices, as appropriate, to control access onto and off of such public streets, highways or any other roadways located within the City. As set forth in the proposed revisions, no such traffic restrictions shall be imposed which leave any parcel of land without an established public road or private-access easement connecting said parcel of land with another established public road.

V. **LEGAL ISSUES:** None. C.R.S. § 42-4-110(1) authorizes the City to regulate and enforce all traffic and parking restrictions on roads and streets within the City's jurisdiction. Additionally, state law recognizes the necessity for supplemental municipal traffic regulations and the City is specifically authorized to implement additional traffic controls. The regulation of traffic and parking restrictions on local City streets is a matter of local and municipal concern and the City is authorized to regulate the same as a Colorado home rule municipality.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

VII. **SUMMARY AND ALTERNATIVES:** City Council has the following options:

- (1) Adopt Ordinance No. 16-01 on first reading, as may or may not be amended;
- (2) Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading; or
- (3) Reject or deny the Ordinance.

**RECOMMENDED MOTION:** "I MOVE TO APPROVE ORDINANCE NO. 16-01, AN ORDINANCE OF THE CITY OF CENTRAL, COLORADO, AMENDING CERTAIN PROVISIONS OF ARTICLE IV (TRAFFIC REGULATIONS) AND ARTICLE V (MISCELLANEOUS REGULATIONS) OF CHAPTER 8 OF THE CITY OF CENTRAL MUNICIPAL CODE ON FIRST READING, AND FURTHER MOVE THAT SECOND READING AND PUBLIC HEARING ON THE ORDINANCE BE SCHEDULED FOR TUESDAY, MAY 3, 2016, AT 7:00 PM TO BE HELD IN THESE COUNCIL CHAMBERS."

Attachments:

- Ordinance 16-01 (for first reading)
- ATTACHMENT A – legislative version of proposed modifications to selected provisions of Article IV and Article V of Chapter 8 of the Municipal Code



**CITY OF CENTRAL, COLORADO**

**ORDINANCE 16-01**

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF ARTICLE  
IV (TRAFFIC REGULATIONS) AND ARTICLE V (MISCELLANEOUS  
REGULATIONS) OF CHAPTER 8 OF THE CITY OF CENTRAL  
MUNICIPAL CODE**

**WHEREAS**, the City of Central, Colorado is a home rule municipal corporation authorized to adopt ordinances in furtherance of the public health, safety and welfare; and

**WHEREAS**, as authorized by C.R.S. § 42-4-110(1), the City may regulate and enforce all traffic and parking restrictions on roads and streets within the City's jurisdiction; and

**WHEREAS**, state law recognizes the necessity for supplemental municipal traffic regulations and the City is specifically authorized to implement additional traffic controls; and

**WHEREAS**, regulation of traffic and parking restrictions on local City streets is a matter of local and municipal concern; and

**WHEREAS**, the City Council desires to amend certain provision of Articles 4 and 5 of Chapter 8 in order to promote the public health, safety and welfare.

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL,  
COLORADO:**

**Section 1.** Section 8-4-20 of the Municipal Code is hereby repealed and replaced in its entirety, to read in full as follows:

**Sec. 8-4-20. Hazards mitigation.**

(a) The City Council, after consultation with a traffic engineer, through review of an appropriate traffic study, or based on environmental reports or similar investigations or studies presented to City Council at a public meeting, may determine that vehicular access to certain roadways within the City could:

- (1) Cause hazardous traffic conditions;
- (2) Cause hazardous environmental conditions;
- (3) Cause auto emissions, noise and potential damage to historic buildings and structures;
- (4) Endanger the public health, safety or welfare of City residents and visitors; or
- (5) Endanger pedestrians.

- (b) For purposes of this Section, the term "roadways" shall include any platted or designated public street, alley, lane, parkway, avenue, road or other public way, whether or not it has been used as such.

**Section 2.** Section 8-4-30 of the Municipal Code is hereby repealed and replaced in its entirety, to read in full as follows:

**Sec. 8-4-30. Posting of signs.**

Upon any such determination made in accordance with Sec. 8-4-20(a), the City Council may authorize the City Manager to post traffic control or other appropriate signs in accordance with this Chapter and otherwise take all necessary and proper steps to restrict vehicular traffic on certain public streets, highways or any other roadways located within the City and as that term is defined in Sec. 8-4-20(b) above. Such traffic restriction may be accomplished by gating devices, barricades and other traffic control devices, as appropriate, to control access onto and off of such public streets, highways or any other roadways located within the City, provided that no such traffic restrictions shall be imposed which leave any parcel of land without an established public road or private-access easement connecting said parcel of land with another established public road.

**Section 3.** Section 8-4-40 of the Municipal Code is hereby repealed and replaced in its entirety, to read in full as follows:

**Sec. 8-4-40. Shuttles and loading and unloading of buses.**

- (a) All shuttle operations may access such designated streets only as determined by the City Council, shall stop only at designated shuttle stops, shall circulate through such designated streets and alleys as determined by the City Council and shall otherwise operate pursuant to a traffic plan approved by the City Council.
- (b) All buses, as that term is defined in Sec. 8-5-60, serving limited stakes gaming operations, regardless of whether the buses transport persons for compensation or not, shall be prohibited from loading and unloading passengers or persons at any locations other than the designated shuttle stops authorized in subsection (a) above, and which may be amended from time to time by the City. A list of the designated shuttle stops shall be maintained at the City Clerk's office and shall be open for public inspection.

**Section 4.** Section 8-5-60 of the Municipal Code is hereby repealed and replaced in its entirety, to read in full as follows:

**Sec. 8-5-60. Bus and commercial vehicle parking restrictions.**

- (a) Definitions. For purposes of this Section, unless the context otherwise requires:

*Bus* means any vehicle designed to seat more than ten (10) passengers and used for the transportation of persons, either for compensation or not, including but not limited to motor vehicles operated for profit or not for profit by governmental entities and vehicles use for the transportation of children to and from school.

*Construction equipment* means any vehicle, whether self-propelled or not, designed for the use in the construction, maintenance, or repair of roadways, structures, and ditches, or modified for use in the construction, maintenance, or repair of roadways, structures, and ditches, the use of which on public roadways is incidental to its primary use.

*Residential district* means any area zoned RCE, LDR, MDR, HDR, TSL, and LCC under the City's Zoning Ordinance, or designated as a residential area in any Planned Unit Development, along with all land within three hundred feet (300') of such area.

*Semi-tractor* means a vehicle with a manufacturer's gross combination weight rating (GCWR) in excess of 26,001 pounds, which is designed and commonly used to draw a semi-trailer and its cargo load over the public roadways.

*Truck* means a vehicle with a manufacturer's gross vehicle weight rating (GVWR) over 11,000 pounds, equipped with a body designed to carry cargo or special permanently mounted equipment.

- (b) It shall be unlawful for any person to park a bus on or along any public streets within the City, except in accordance with Sec. 8-4-40(b) of this Code.
- (c) The following restrictions shall apply to the parking of vehicles on public streets within the City of Central:
- (1) It shall be unlawful to park any vehicle which is thirty-five feet (35') in length or more on any public street or highway within any residential district of the City; except as provided in subsection (2) below.
  - (2) It shall be unlawful to park truck semi-tractors, trucks, buses and construction equipment on any public street or highway within any residential district of the City; provided, however, that parking next to a construction site for which a valid permit exists shall be allowed for the limited purpose of loading and unloading materials.

- (3) It shall be unlawful to park any vehicle which is required to be licensed by Colorado Statute upon any street or highway within the City unless a valid license is properly displayed on the vehicle.
- (d) The following restrictions shall apply to the parking of vehicles on private property within the City:
- (1) It shall be unlawful to park any vehicle which is thirty-five feet (35') or more in length on any private street within any residential district of the City, or upon any lot within any residential district within the City, except for the limited purpose of loading and unloading materials.
  - (2) It shall be unlawful to park truck trailers, semi-tractors, trucks, buses and construction equipment on any private street in a residential district, on any driveway in a residential district, on a vacant lot in a residential district or in a front yard or side yard; provided, however, that parking on a construction site for which a valid building permit exists is allowed for the limited purpose of loading and unloading materials.
  - (3) Churches located in a residential district may park one bus on the church parking lot. Said bus is to be locked when not in use. Additional buses owned by such church shall not be parked or stored on the church parking lot, but shall be parked or stored at a location having appropriate zoning to permit such use.
- (e) For purposes of this Section, "loading and unloading of materials" shall refer to construction materials or the rendering of any other service(s) within a maximum distance of two hundred (200) feet of the commercial vehicle, and such loading and/or unloading or rendering of service locally shall not exceed eight (8) hours between the hours of 8:00 am and 7:00 pm, or two (2) hours between the hours of 7:00 pm and 8:00 am. No loading and/or unloading of a semi-tractor, truck or semi-trailer during permissible hours is allowed to extend over more than two consecutive calendar days.
- (f) Any person who fails to comply with any provision of this Section shall be guilty of a violation of this Code and, on conviction thereof, shall be punished by a fine as specified in Sec. 1-4-20 of this Code.
- (g) The parking of any vehicle in violation of this Section is declared to be a public nuisance which may be abated in accordance with the provisions of Article I of Chapter 7 of this Code.

**Section 5.** There is hereby added a new Section 8-5-90 of the Municipal Code to read in full as follows:

**Sec. 8-5-90. Regulation of Commercial Vehicles.**

- (a) No person of motor carrier shall operate a commercial vehicle on any street within the City unless such vehicle is in compliance with C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder.
- (b) This Section may be enforced by any law enforcement officer who meets the inspector qualifications set forth in C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder.
- (c) It shall be unlawful for any person to operate a motor vehicle in violation of subsection (a) of this Section.
- (d) Any person who fails to comply with any provision of this Section shall be guilty of a violation of this Code and, on conviction thereof, shall be punished by a fine as specified in Sec. 1-4-20 of this Code.

**Section 6. Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

**Section 7. Codification Amendments.** The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 1 through Section 5 of this Ordinance within the City of Central Municipal Code.

**Section 8. Severability.** Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

**Section 9. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**Section 10. Effective Date.** This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the 19<sup>th</sup> day of April,, at Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

\_\_\_\_\_  
Ronald E. Engels, Mayor

Approved as to form:

\_\_\_\_\_  
Marcus McAskin, City Attorney

ATTEST:

\_\_\_\_\_  
Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the 3<sup>rd</sup> day of May, 2016.

**CITY OF CENTRAL, COLORADO**

\_\_\_\_\_  
Ronald E. Engels, Mayor

ATTEST:

\_\_\_\_\_  
Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on April 21, 2016.**

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on May 5, 2016.**

**CITY OF CENTRAL, COLORADO**

---

Ronald E. Engels, Mayor

**ATTEST:**

---

Reba Bechtel City Clerk



**Sec. 8-4-20. Hazards mitigation.**

- (a) The City Council, after consultation with a traffic engineer ~~or~~, through review of an appropriate traffic study, or based on environmental reports or similar investigations or studies presented to City Council at a public meeting, may determine that vehicular access to certain ~~designated and periodically redesignated streets and alleys~~ roadways within the City could:

(1) ~~(1)~~ — Cause hazardous traffic conditions;

~~(2)~~ ~~(2)~~ — Cause hazardous environmental conditions;

~~(2)~~ ~~(3)~~ — Cause auto emissions, noise and potential damage to historic buildings and structures; ~~or~~

~~(4)~~ ~~(3)~~ — Endanger the public health, safety or welfare of City residents and visitors; or

~~(3)~~ ~~(5)~~ — Endanger pedestrians.

- (b) For purposes of this Section, the term "roadways" shall include any platted or designated public street, alley, lane, parkway, avenue, road or other public way, whether or not it us been used as such.

**Sec. 8-4-30. Posting of signs.**

Upon any such determination, made in accordance with Sec. 8-4-20(a), the City Council may ~~authorized~~ authorize the City Manager to post traffic control or other appropriate signs ~~pursuant to in accordance with this Article~~ Chapter and otherwise take all necessary and proper steps to restrict vehicular traffic on certain designated public streets and alleys, highways or any other roadways located within the City and as that term is defined in Sec. 8-4-20(b) above. Such traffic restriction may be accomplished by gating devices, barricades and other traffic control devices, as appropriate, to control access onto and off of such ~~designated streets and alleys, public streets, highways or any other roadways located within the City,~~ provided that no such traffic restrictions shall be imposed which leave any parcel of land without an established public road or private-access easement connecting said parcel of land with another established public road.

**Sec. 8-4-40. Shuttles and loading and unloading of buses.**

- (a) All shuttle operations may access such designated streets only as determined by the City Council, shall stop only at designated shuttle stops, shall circulate through such designated streets and alleys as determined by the City Council and shall otherwise operate pursuant to a traffic plan approved by the City Council.

- (b) All buses, as that term is defined in Sec. 8-5-60, serving limited stakes gaming operations, regardless of whether the buses transport persons for compensation or not, shall be prohibited from loading and unloading passengers or persons at any locations other than the designated shuttle stops authorized in subsection (a) above, and which may be amended from time to time by the City. A list of the designated shuttle stops shall be maintained at the City Clerk's office and shall be open for public inspection.

~~(b) Sec. 8-5-60. — Bus parking.~~

Sec. 8-5-60. Bus and commercial vehicle parking restrictions.

(a) Definitions. For purposes of this Section, unless the context otherwise requires:

Bus means any vehicle designed to seat more than ten (10) passengers and used for the transportation of persons, either for compensation or not, including but not limited to motor vehicles operated for profit or not for profit by governmental entities and vehicles use for the transportation of children to and from school.

Construction equipment means any vehicle, whether self-propelled or not, designed for the use in the construction, maintenance, or repair of roadways, structures, and ditches, or modified for use in the construction, maintenance, or repair of roadways, structures, and ditches, the use of which on public roadways is incidental to its primary use.

Residential district means any area zoned RCE, LDR, MDR, HDR, TSL, and LCC under the City's Zoning Ordinance, or designated as a residential area in any Planned Unit Development, along with all land within three hundred feet (300') of such area.

Semi-tractor means a vehicle with a manufacturer's gross combination weight rating (GCWR) in excess of 26,001 pounds, which is designed and commonly used to draw a semi-trailer and its cargo load over the public roadways.

Truck means a vehicle with a manufacturer's gross vehicle weight rating (GVWR) over 11,000 pounds, equipped with a body designed to carry cargo or special permanently mounted equipment.

~~(a)(b)~~ It is shall be unlawful for any person to park a bus on the following or along any public streets within the City, except in accordance with Sec. 8-4-40(b) of this Code.

~~(1) — Lawrence Street.~~

(c) The following restrictions shall apply to the parking of vehicles on public streets within the City of Central:

(1) It shall be unlawful to park any vehicle which is thirty-five feet (35') in length or more on any public street or highway within any residential district of the City; except as provided in subsection (2) below.

(2) It shall be unlawful to park truck semi-tractors, trucks, buses and construction equipment on any public street or highway within any residential district of the City; provided, however, that parking next to a construction site for which a valid permit exists shall be allowed for the limited purpose of loading and unloading materials.

(3) It shall be unlawful to park any vehicle which is required to be licensed by Colorado Statute upon any street or highway within the City unless a valid license is properly displayed on the vehicle.

(d) The following restrictions shall apply to the parking of vehicles on private property within the City:

- (1) It shall be unlawful to park any vehicle which is thirty-five feet (35') or more in length on any private street within any residential district of the City, or upon any lot within any residential district within the City, except for the limited purpose of loading and unloading materials.
  - (2) It shall be unlawful to park truck trailers, semi-tractors, trucks, buses and construction equipment on any private street in a residential district, on any driveway in a residential district, on a vacant lot in a residential district or in a front yard or side yard; provided, however, that parking on a construction site for which a valid building permit exists is allowed for the limited purpose of loading and unloading materials.
  - (3) Churches located in a residential district may park one bus on the church parking lot. Said bus is to be locked when not in use. Additional buses owned by such church shall not be parked or stored on the church parking lot, but shall be parked or stored at a location having appropriate zoning to permit such use.
- (e) For purposes of this Section, "loading and unloading of materials" shall refer to construction materials or the rendering of any other service(s) within a maximum distance of two hundred (200) feet of the commercial vehicle, and such loading and/or unloading or rendering of service locally shall not exceed eight (8) hours between the hours of 8:00 am and 7:00 pm, or two (2) hours between the hours of 7:00 pm and 8:00 am. No loading and/or unloading of a semi-tractor, truck or semi-trailer during permissible hours is allowed to extend over more than two consecutive calendar days
- (f) Any person who fails to comply with any provision of this Section shall be guilty of a violation of this Code and, on conviction thereof, shall be punished by a fine as specified in Sec. 1-4-20 of this Code.
- (g) The parking of any vehicle in violation of this Section is declared to be a public nuisance which may be abated in accordance with the provisions of Article I of Chapter 7 of this Code.

#### Sec. 8-5-90. Regulation of Commercial Vehicles.

- (a) No person or motor carrier shall operate a commercial vehicle on any street within the City unless such vehicle is in compliance with C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder.
- (b) This Section may be enforced by any law enforcement officer who meets the inspector qualifications set forth in C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder.
- (c) It shall be unlawful for any person to operate a motor vehicle in violation of subsection (a) of this Section.
- (d) Any person who fails to comply with any provision of this Section shall be guilty of a violation of this Code and, on conviction thereof, shall be punished by a fine as specified in Sec. 1-4-20 of this Code.



# Central City Business Improvement District

April 14, 2016

City of Central  
Attn: Daniel Miera, City Manager  
141 Nevada Street  
Central City, CO 80427

Re: Central City Parkway Access Project

Dear Mr. Miera,

Based on recent discussions between the City of Central ("City") and the Central City Business Improvement District ("District"), we understand the City desires to permit and construct access ramps, both on and off of the Central City Parkway ("Casino Parkway"), on City-owned property near the overpass bridge (Road 279 – Virginia Canyon Rd.) and Lake Gulch Rd. (near the KOA Campground), otherwise collectively known as the Central City Parkway Access Project ("Project").

The District fully supports and approves of the Project, and believes it conforms with the intent and purpose of the relevant Agreement(s) executed by and between the City and the District. However, in order to fully conform with all provisions of the same Agreement(s), the District believes the City must also take action to ensure that any and all commercial property in the vicinity of the Project (i.e. the KOA Campground) not previously included within the District, but located within the boundaries of the City, is included into the District and subject to all applicable taxes and fees.

Furthermore, in an effort to expedite the construction of the Project, and as allowed by the Central City Municipal Code (specifically, the "Parkway Access Code"), the District encourages the City to waive all application requirements thereunder, which are otherwise (and ordinarily) necessary for external applicants seeking an Access Permit from the City.

Should you have questions or require assistance, please do not hesitate to contact me. Thank you.

Sincerely,

Joe Behm  
Executive Director



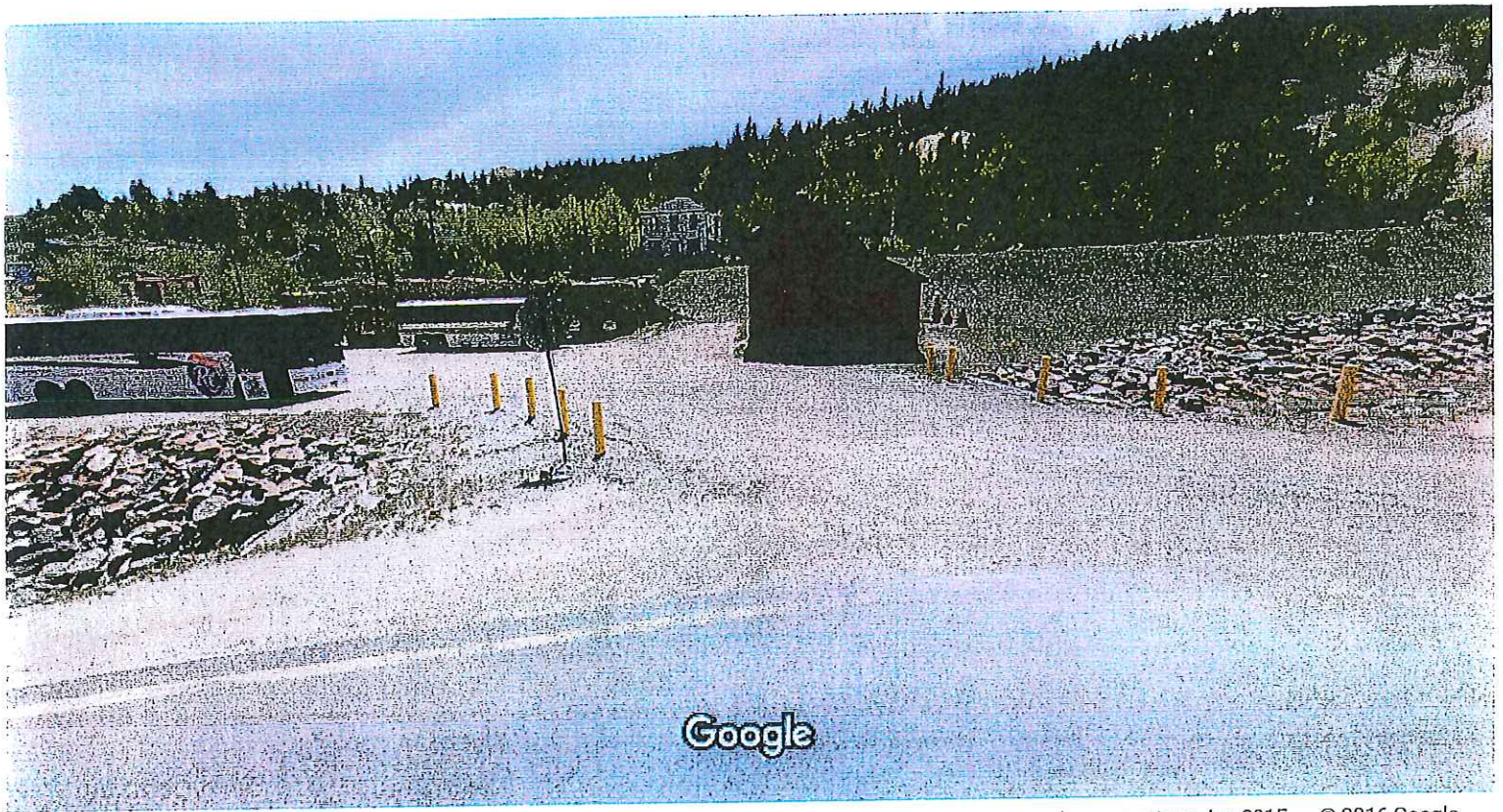
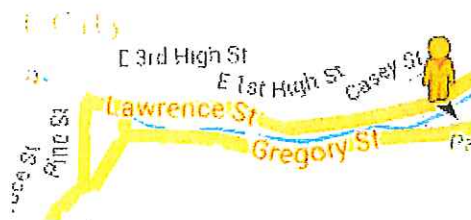


Image capture: Jun 2015 © 2016 Google

Central City, Colorado

Street View - Jun 2015



Google Maps

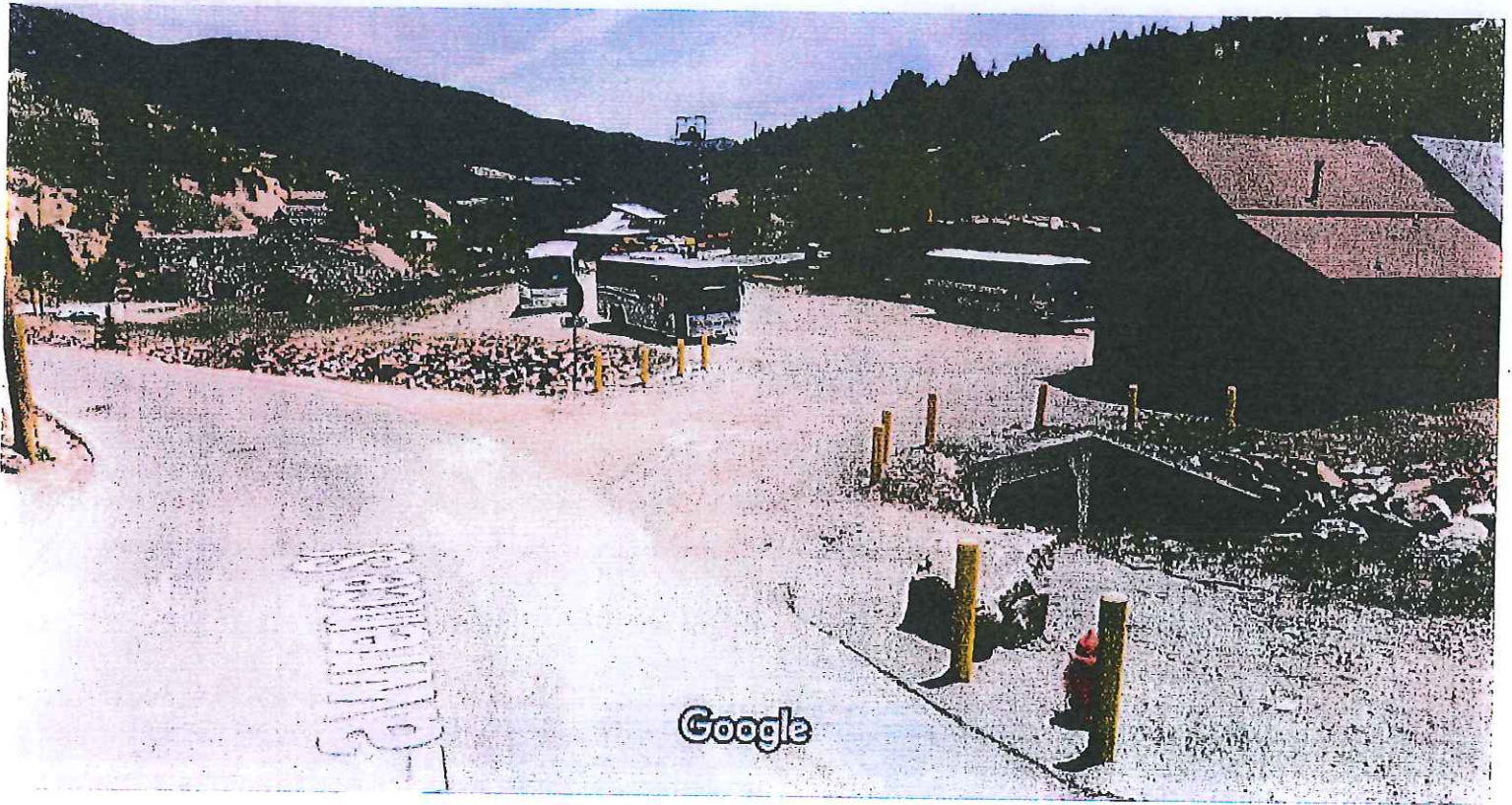
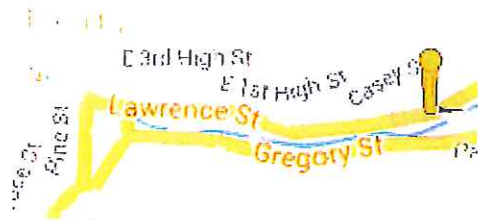


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Central City, Colorado

Street View - Jun 2015



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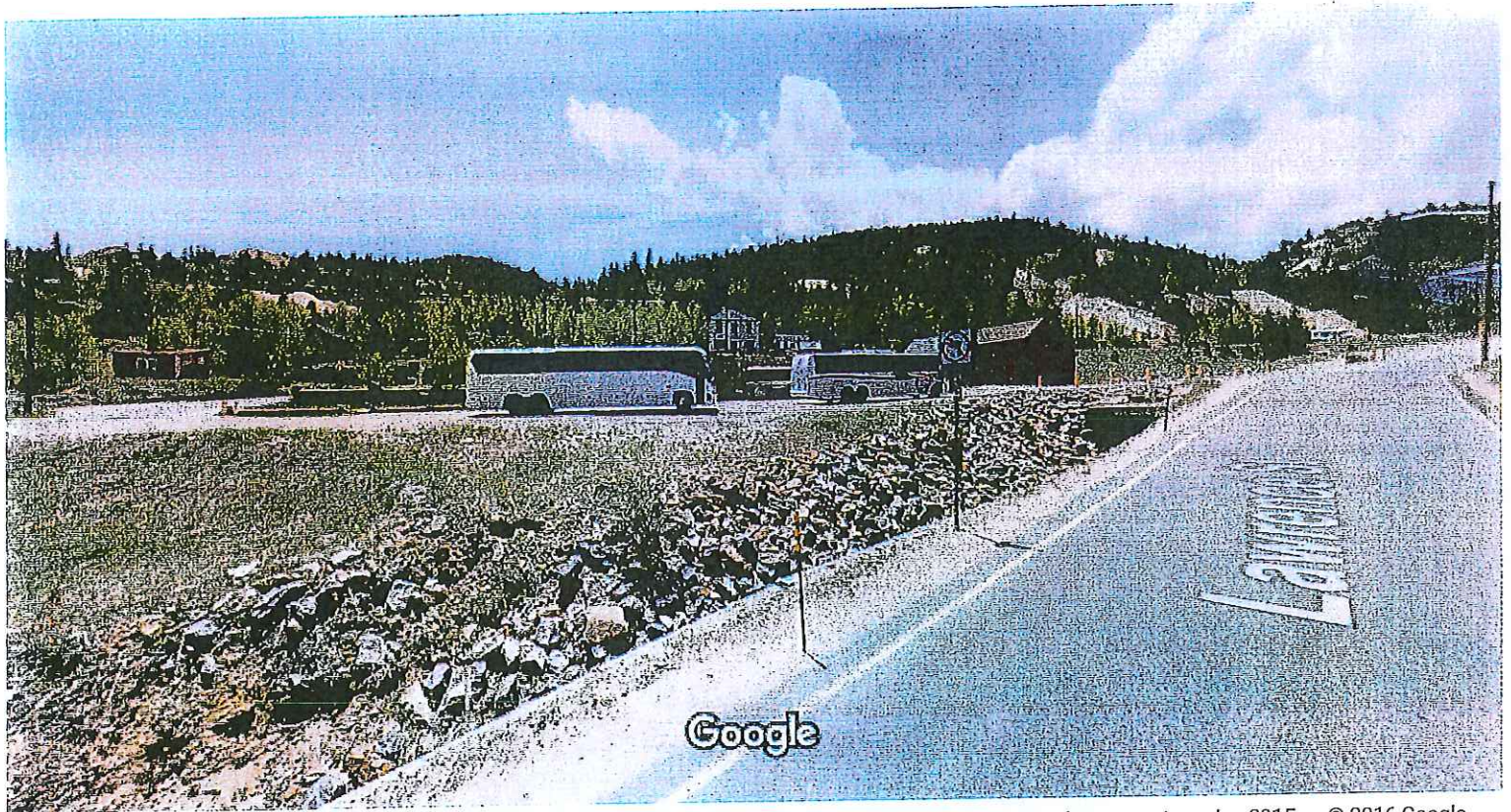
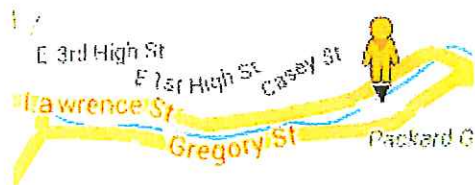


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Central City, Colorado

Street View - Jun 2015



Google Maps

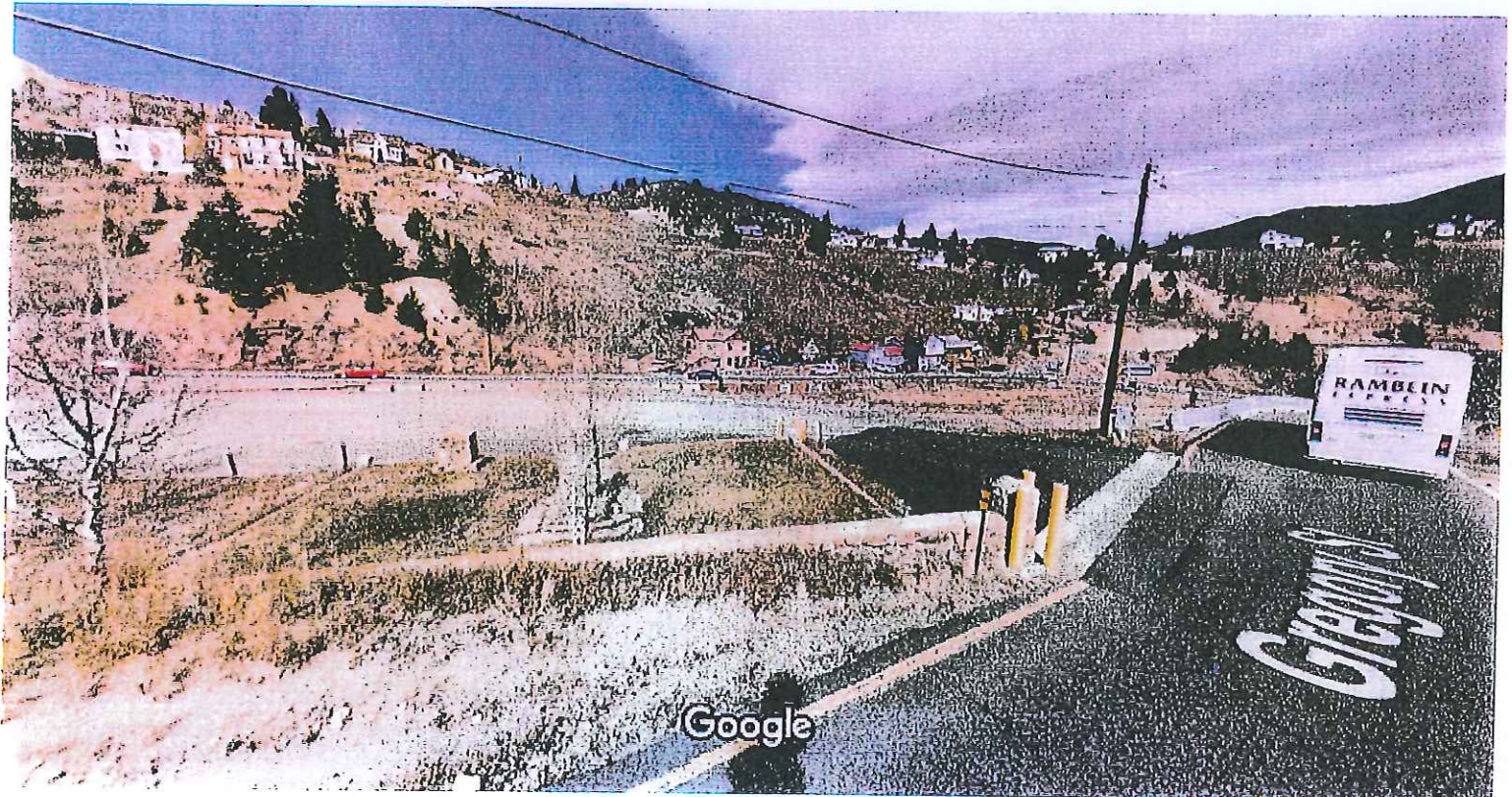
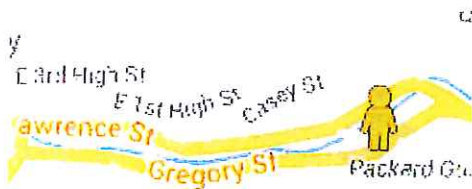


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Central City, Colorado

Street View - Oct 2012



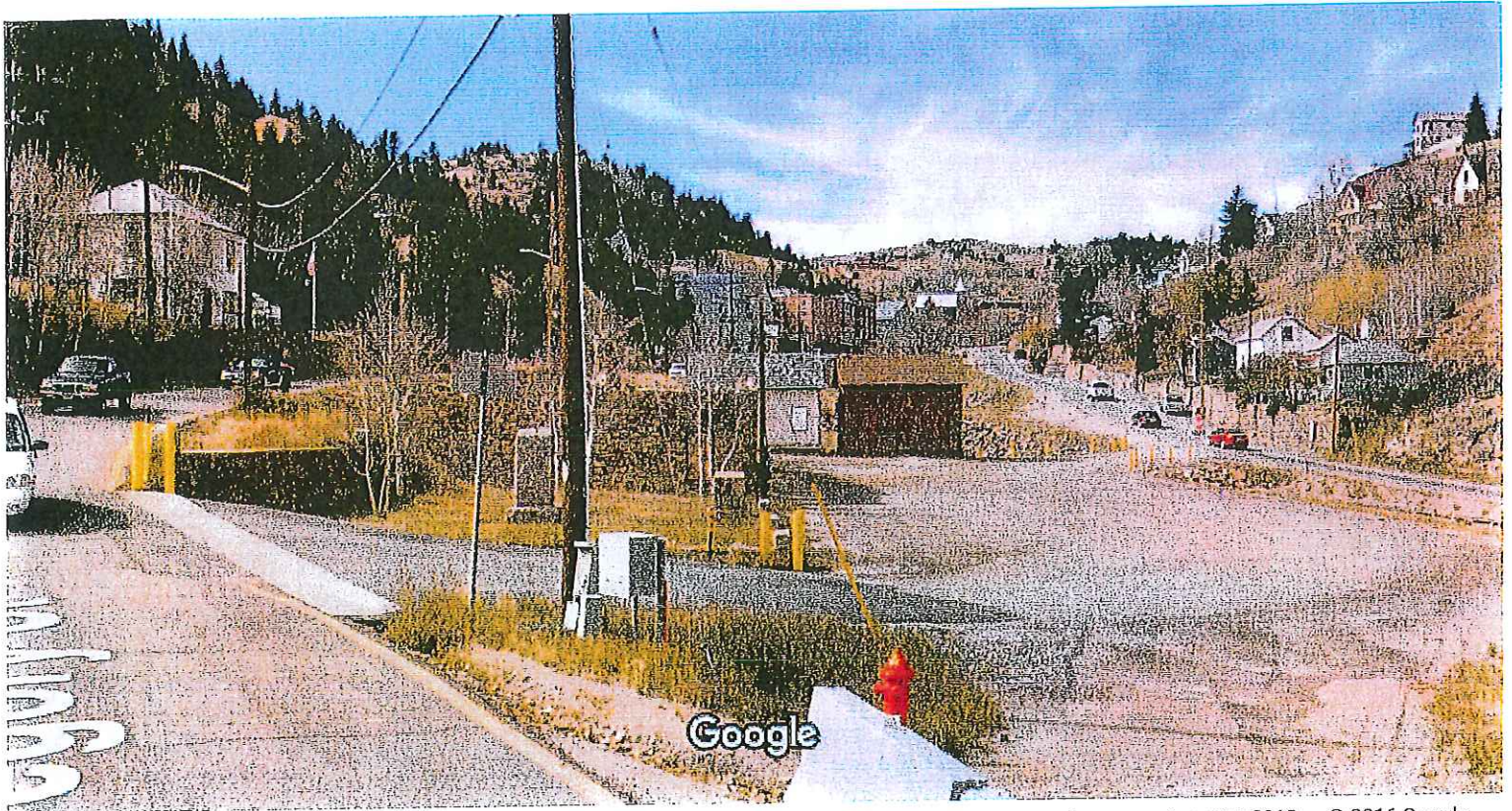


Image capture: Oct 2012 © 2016 Google

Central City, Colorado

Street View - Oct 2012



Google Maps

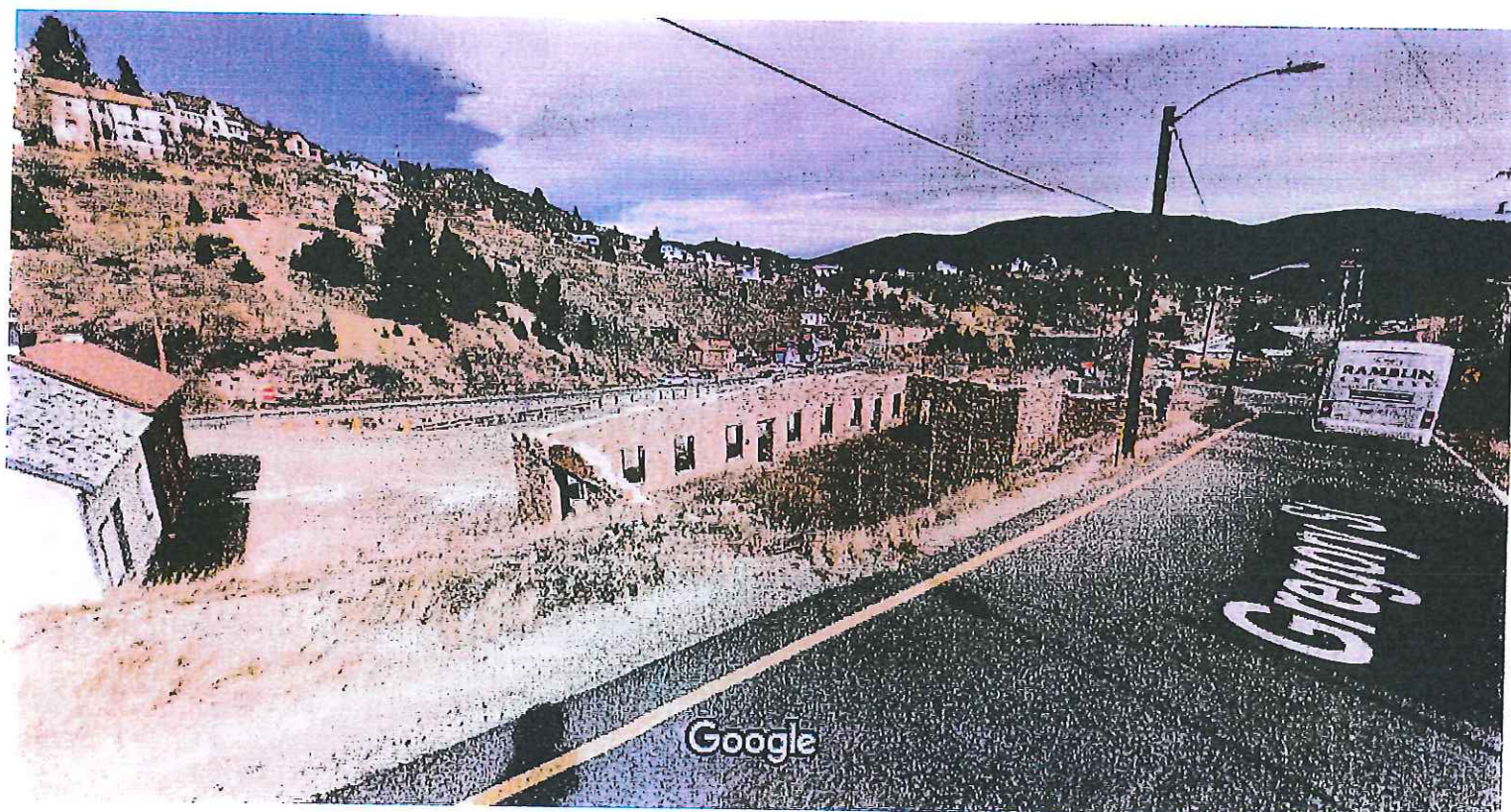
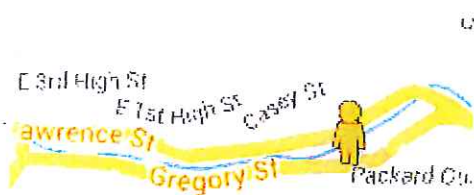


Image capture: Oct 2012 © 2016 Google

Central City, Colorado

Street View - Oct 2012



Google Maps



## AGENDA ITEM # 8

### CITY COUNCIL COMMUNICATION FORM

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**FROM:** Marcus McAskin, City Attorney

**DATE:** April 14, 2016

**ITEM:** Ordinance 16-02 Submitting a Ballot Issue at the November 8, 2016 Election Regarding the Imposition of a Tax of Five Percent (5%) on All Retail Marijuana and Retail Marijuana Products, which is expected to increase the City's Revenues by Approximately \$130,000 in 2017 (the first full fiscal year)

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☒    X ORDINANCE  
☐    MOTION  
☐    INFORMATION

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- I. **REQUEST OR ISSUE:** Ordinance No. 16-02 refers a ballot issue to City voters at the November 8, 2016 election regarding the approval of a five percent (5%) sales tax on retail marijuana and retail marijuana products, and proposes a new Article XI of Chapter 4 of the Municipal Code titled "Special Retail Marijuana Sales Tax" which will only take effect if approved by the City electorate at the November 8<sup>th</sup> election.
- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 16-02 on first reading and schedule a public hearing and second reading of the Ordinance on a time and date certain.
- Currently, it is anticipated that second reading of the Ordinance will occur on Tuesday, May 3, 2016.
- III. **FISCAL IMPACTS:** Approval of the Ordinance by City Council will not have any fiscal impact on the City. If the referred ballot issue is approved by voters at the November 8, 2016 election, the new five percent (5%) sales tax is expected to generate revenues not to exceed \$130,000.00 in the first full fiscal year (being January 1 through December 31, 2017).

- IV. **BACKGROUND INFORMATION:** November 8<sup>th</sup> is the date of the next general municipal election which will be held in accordance with Article IV of the City's Home Rule Charter. Section 20 of Article X of the Colorado Constitution ("TABOR") requires voter approval of any tax increase or change in tax policy.

In addition, Section 13.1 of the City's Home Rule Charter, and consistent with the provisions of TABOR, authorizes the City Council to level and collect taxes for any and all municipal purposes, provided that no sales tax shall be levied until such tax is approved by a majority of the electors voting at a regular or special election.

City Council desires to refer a ballot issue to the electors of the City without a petition which will impose a tax in the amount of five percent (5%) of the purchase price paid or charged for retail marijuana and retail marijuana products, as those terms are defined in state law and in the Municipal Code, and which sales tax shall be in addition to the sales tax and any other state tax imposed on sales of retail marijuana and retail marijuana products.

- V. **LEGAL ISSUES:** None.

- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

- VII. **SUMMARY AND ALTERNATIVES:** City Council has the following options:

- (1) Adopt Ordinance No. 16-02 on first reading, as may or may not be amended;
- (2) Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading; or
- (3) Reject or deny the Ordinance.

**RECOMMENDED MOTION:** "I MOVE TO APPROVE ORDINANCE NO. 16-02, AN ORDINANCE OF THE CITY OF CENTRAL, COLORADO, SUBMITTING A BALLOT ISSUE AT THE NOVEMBER 8, 2016 ELECTION REGARDING IMPOSING A TAX OF FIVE PERCENT (5%) ON ALL RETAIL SALES OF MARIJUANA AND RETAIL MARIJUANA PRODUCTS, WHICH IS EXPECTED TO INCREASE THE CITY'S REVENUES BY APPROXIMATELY \$130,000 IN 2017 (THE FIRST FULL FISCAL YEAR) ON FIRST READING, AND FURTHER MOVE THAT SECOND READING AND PUBLIC HEARING ON THE ORDINANCE BE SCHEDULED FOR TUESDAY, MAY 3, 2016, AT 7:00 PM TO BE HELD IN THESE COUNCIL CHAMBERS."

**Attachments:**

- Ordinance 16-02 (for first reading)

**CITY OF CENTRAL, COLORADO  
ORDINANCE 16-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CENTRAL, COLORADO SUBMITTING A BALLOT ISSUE AT THE  
NOVEMBER 8, 2016 ELECTION REGARDING IMPOSING A TAX OF  
FIVE PERCENT (5%) ON ALL RETAIL SALES OF MARIJUANA AND  
RETAIL MARIJUANA PRODUCTS, WHICH IS EXPECTED TO  
INCREASE THE CITY'S REVENUES BY APPROXIMATELY \$130,000  
IN 2017 (THE FIRST FULL FISCAL YEAR)**

**WHEREAS**, November 8, 2016 is the date of the next general municipal election which shall be held in accordance with Article IV of the City's Home Rule Charter; and

**WHEREAS**, Section 20 of Article X of the Colorado Constitution requires voter approval of any tax increase or change in tax policy; and

**WHEREAS**, Section 13.1 of the Home Rule Charter authorizes the City Council to level and collect taxes for any and all municipal purposes, provided that no sales tax shall be levied until such tax is approved by a majority of the electors voting at a regular or special election; and

**WHEREAS**, City Council desires to refer a ballot issue to the electors of the City without a petition which will impose a tax in the amount of five percent (5%) of the purchase price paid or charged for retail marijuana and retail marijuana products, as those terms are defined in state law and in the Municipal Code which is in addition to the sales tax and any other state tax imposed on sales of retail marijuana and retail marijuana products.

**BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF CENTRAL, COLORADO THAT:**

**Section 1.**     **Addition of Article XI of Chapter 4 of the Municipal Code.** A new Article XI of Chapter 4 is hereby adopted to read in full as follows:

**CHAPTER 4**

**Revenue and Finance**

<b>Article XI</b>	<b>Special Retail Marijuana Sales Tax</b>	
	Sec. 4-11-10	Definitions
	Sec. 4-11-20	Imposition of Tax
	Sec. 4-11-30	Revenue and Spending Limitations

**Sec. 4-11-10. Definitions.**

- (a) As used in this Article, the following words shall have the following meanings:

*Amendment 64* means a voter-initiated amendment to the Colorado Constitution adopted November 6, 2012, codified at Section 16 of Article XVIII to the Colorado Constitution.

*Consumer* means a person twenty-one (21) years of age or older who purchases retail marijuana or retail marijuana products for personal use by person(s) twenty-one (21) years of age or older but not for resale to others.

*Retail marijuana* shall have the same meaning as “marijuana” or “marihuana” as defined in Amendment 64, that is cultivated, manufactured, distributed, or sold by a retail marijuana establishment or retail marijuana store.

*Retail marijuana products* shall have the same meaning as “marijuana products” as defined in Amendment 64 that are produced at a retail marijuana products manufacturer for resale at a retail marijuana establishment or retail marijuana store.

*Retail marijuana store* shall mean any entity licensed by the Colorado Department of Revenue to sell retail marijuana and/or retail marijuana products to consumers pursuant to Amendment 64 and the Colorado Retail Marijuana Code, C.R.S. §§ 12-43.4-101 *et seq.*, and licensed by the Central City Retail Marijuana Store Licensing Authority in accordance with the provisions of Article 9 of Chapter 6 of the Municipal Code.

- (b) In addition to the definitions provided in Subsection (a) above, the other defined terms in Amendment 64 are incorporated into this Article by reference.

**Sec. 4-11-20. Imposition of Tax.**

- (a) In addition to the sales tax imposed by Article III of this Chapter 4, beginning January 1, 2017, there is imposed upon all sales of retail marijuana and retail marijuana products to a consumer by a retail marijuana store a tax at the rate of five percent (5%) of the amount of the sale.
- (b) Nothing in this section shall be construed to impose a tax on the sale of marijuana or marijuana products to any person by a medical marijuana center, as that term is defined in Section 6-7-30 of this Code. To the extent any retail marijuana store exists at the same location and under common ownership with a licensed medical marijuana center, the retailer shall strictly segregate and account for sales of retail marijuana distinct from medical marijuana in accordance with all applicable state and City laws

and regulations governing collection of retail marijuana stores and medical marijuana centers.

**Sec. 4-11-30. Revenue and Spending Limitations.**

Notwithstanding any limitations on revenue, spending, or appropriations contained in Article X, Section 20 of the Colorado Constitution or any other provision of law, any revenues generated by the retail marijuana sales taxes imposed pursuant to this Article, as approved by the voters at the general municipal election on November 8, 2016, may be collected and spent as a voter-approved revenue change.

**Section 2.** The City Council hereby authorizes and directs the City Clerk of the City to certify on or before September 9, 2016 the ballot title in substantially the form set forth below to the Gilpin County Clerk. Such ballot title shall be submitted to the eligible electors of the City at the November 8, 2016 regular election.

**Section 3.** This Ordinance shall not take effect unless and until a majority of the registered voters voting at the regular election on November 8, 2016 vote "yes" in response to the following ballot title:

REFERRED QUESTION \_\_\_\_\_:

SHALL CITY OF CENTRAL CITY TAXES BE INCREASED BY AN ESTIMATED \$130,000 IN 2017 (THE FIRST FULL FISCAL YEAR) AND WHATEVER AMOUNTS MAY BE COLLECTED IN FUTURE YEARS BY ADDING A NEW ARTICLE XI TO CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF CENTRAL CITY TO IMPOSE A TAX OF FIVE PERCENT (5%) OF THE PURCHASE PRICE PAID OR CHARGED FOR SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS IN THE CITY OF CENTRAL CITY IN ADDITION TO THE SALES TAX AND ANY OTHER STATE TAX IMPOSED ON SUCH SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS?

AND SHALL ALL REVENUE RECEIVED FROM SUCH TAX INCREASE AND ANY INVESTMENT INTEREST THEREON BE A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

☐ Yes  
☐ No

**Section 4.** The provisions of this Ordinance shall take effect following passage and approval thereof as provided in Section 3 above on January 1, 2017.

**Section 5.** The officers of the City are authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance.

**Section 6. Severability.** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word (collectively, "Provision") of this Ordinance is declared unconstitutional by a court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Provision of this Ordinance. It is the intent of the City Council that: (a) severability shall apply even if severance of a Provision would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise; (b) severability shall apply to prohibited sign types and prohibited sign elements, such that as many prohibited sign types and sign elements as may be constitutionally prohibited shall continue to be prohibited; and (c) severability shall apply to any Provision that is found to be content-based and declared to be unconstitutional, such that only that portion of the provision that is found to relate to content shall be severed, and if it is not possible to strike only the portion of the provision that is found to relate to content, then all signs that would be subject to the stricken Provision shall instead be subject to the next surviving Provision for a sign of comparable geometry and character that is more restrictive than the stricken Provision in terms of sign area.

**Section 7. Repeal.** Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

**INTRODUCED AND READ** by title only on first reading at the regular meeting of the City Council of the City of Central on the 19<sup>th</sup> day of April, 2016, at Central City, Colorado.

**CITY OF CENTRAL, COLORADO**

---

Ronald E. Engels, Mayor

Approved as to form:

---

Marcus McAskin, City Attorney

ATTEST:

---

Reba Bechtel, City Clerk

**PASSED AND ADOPTED** on second reading, at the regular meeting of the City Council of the City of Central on the 3<sup>rd</sup> day of May, 2016.

**CITY OF CENTRAL, COLORADO**

---

Ronald E. Engels, Mayor

**ATTEST:**

---

Reba Bechtel, City Clerk

**POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on April 21, 2016.**

**POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on May 5, 2016.**

**CITY OF CENTRAL, COLORADO**

---

Ronald E. Engels, Mayor

**ATTEST:**

---

Reba Bechtel City Clerk





## AGENDA ITEM # 9

### CITY COUNCIL COMMUNICATION FORM

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TO: Mayor Engels and Members of City Council

FROM: Marcus McAskin

DATE: April 14, 2016 (Meeting Date April 19, 2016)

ITEM: Resolution No. 16-12 Approving First Addendum to MOU for Law Enforcement Services

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☐ ORDINANCE  
☒ MOTION / RESOLUTION  
☐ INFORMATION

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- I. **REQUEST OR ISSUE:** Resolution 16-12 ("Resolution") approves the First Addendum to the Memorandum of Understanding for Law Enforcement Services with the Gilpin County Sheriff's Office ("First Addendum"). The Memorandum of Understanding ("MOU") was approved by City Council via Resolution 16-11 and was effective on March 8, 2016. The First Addendum establishes a new hourly rate for the normal or routine law enforcement services to be provided by the GCSO to the City and authorizes the GCSO to utilize one (1) additional CCPD patrol vehicle during the term of the MOU
- II. **RECOMMENDED ACTION / NEXT STEP:** The First Addendum is attached to Resolution 16-12 as Exhibit 1. City Council may approve the First Addendum to memorialize the revised terms and conditions pursuant to which GCSO will continue to provide supplemental law enforcement services to the City.
- III. **FISCAL IMPACTS:** As set forth in the First Addendum, the hourly rate for normal and routine law enforcement services will increase from \$25.00 to \$36.07. This figure is based on GCSO's actual documented cost to put a deputy on the street (salary + benefits + uniform and equipment).

- IV. **BACKGROUND INFORMATION:** As set forth above, the MOU for law enforcement services was approved by City Council pursuant to Resolution 16-11.
- V. **LEGAL ISSUES:** N/A
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A
- VII. **SUMMARY AND ALTERNATIVES:** City Council may approve the Resolution or table the item for further discussion and consideration.

**PROPOSED MOTION:** "I MOVE TO APPROVE RESOLUTION NO. 16-12, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, APPROVING THE FIRST ADDENDUM TO MEMORANDUM OF UNDERSTANDING REGARDING LAW ENFORCEMENT SERVICES."

**CITY OF CENTRAL, COLORADO  
RESOLUTION NO. 16-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO, APPROVING THE FIRST ADDENDUM TO MEMORANDUM OF  
UNDERSTANDING REGARDING LAW ENFORCEMENT SERVICES**

WHEREAS, by Resolution No. 16-11 the City Council approved that certain Memorandum of Understanding for Law Enforcement Services (the "MOU"); and

WHEREAS, the City and the Gilpin County Sheriff's Office are parties to the MOU; and

WHEREAS, Paragraph 4 of the MOU provides that the hourly rates for law enforcement services may be amended only through a written addendum to the MOU; and

WHEREAS, the parties to the MOU desire to amend Paragraph 4 of the MOU in order to establish a new hourly rate for the normal or routine law enforcement services to be provided by the GCSO to the City and to authorize the GCSO to utilize one (1) additional CCPD patrol vehicle during the term of the MOU; and

WHEREAS, the amendments to the MOU are set forth in that certain First Addendum to the MOU, a copy of which is attached hereto as **Exhibit 1** (the "First Addendum"); and

WHEREAS, the City Council desires to approve the First Addendum.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE  
CITY OF CENTRAL, COLORADO, THAT:**

**Section 1.** The City Council hereby approves the First Addendum attached to this Resolution in substantially the form attached as **Exhibit 1**, authorizes the City Manager, in consultation with the City Attorney, to make such changes as may be needed to correct any nonmaterial errors or language that do not increase the financial obligations of the City, and authorizes the City Manager to execute the First Addendum on behalf of the City.

**Section 2.** In accordance with the terms of the MOU, and as modified by the First Addendum, the City Manager shall remain authorized to coordinate with the Sheriff or the Sheriff's designee to adjust the service schedule set forth in the MOU on an as-needed basis in order to ensure that adequate law enforcement coverage is available to the residents and business owners within the City.

**Section 3.** **Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 19<sup>th</sup> DAY OF APRIL, 2016.

**CITY OF CENTRAL, COLORADO**

By: \_\_\_\_\_  
Ronald E. Engels, Mayor

**ATTEST:**

**APPROVED TO FORM:**

By: \_\_\_\_\_  
Reba Bechtel City Clerk

By: \_\_\_\_\_  
Marcus A. McAskin, City Attorney

Resolution Exhibits:

**Exhibit 1** – First Addendum to Memorandum of Understanding for Law Enforcement Services

**FIRST ADDENDUM**  
**TO MEMORANDUM OF UNDERSTANDING REGARDING**  
**LAW ENFORCEMENT SERVICES**

This First Addendum to Memorandum of Understanding Regarding Law Enforcement Services ("First Addendum") is made and entered into by and between the Gilpin County Sheriff's Office ("GCSO") and the City of Central, Colorado, a home rule municipal corporation of the State of Colorado (the "City") (together, the "Parties").

*WITNESSETH*

WHEREAS, the Parties previously entered into that certain Memorandum of Understanding Regarding Law Enforcement Services having an Effective Date of March 8, 2016 (the "MOU"); and

WHEREAS, Paragraph 3 of the MOU provides that the preliminary schedule of when the City will need law enforcement services to be provided by the GCSO to support the Central City Police Department ("CCPD") is set forth in **Exhibit A** to the MOU and further provides that the City Manager and the GCSO Sheriff or his designee shall at all times be authorized to amend said schedule on an as-needed basis without the need for a formal written addendum to the MOU; and

WHEREAS, Paragraph 4 of the MOU provides that the hourly rates for law enforcement services provided by GCSO to the City (hourly rates for both routine and non-routine law enforcement services) are set forth in **Exhibit B** to the MOU and further provides that the City Manager and the GCSO Sheriff shall at all times be authorized to amend the normal or special rates set forth in **Exhibit B** through a written addendum to the MOU; and

WHEREAS, Paragraph 4 of the MOU also authorizes the GCSO to utilize one (1) CCPD patrol vehicle during the term of the MOU; and

WHEREAS, the Parties desire to amend Paragraph 4 of the MOU in order to: (1) modify **Exhibit B** to set forth a new hourly rate for normal or routine law enforcement services provided by the GCSO to the City, and (2) authorize the GCSO to utilize one (1) additional CCPD patrol vehicle during the term of the MOU; and

WHEREAS, Paragraph 10 of the MOU provides that the MOU may only be modified or amended by a written addendum duly authorized and executed by the Parties; and

WHEREAS, the City and Gilpin County, acting by and through its Board of County Commissioners ("BOCC") may, at a future date, commence formal discussions regarding a formal intergovernmental agreement regarding the provision of law enforcement services within Central City; and

WHEREAS, to date neither the City nor the BOCC have drafted any such formal intergovernmental agreement; and

WHEREAS, the Parties desire to amend the MOU as set forth below.

NOW, THEREFORE, in consideration of the mutual covenants and agreements of the Parties contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference as though set forth in full.

2. **Amendments.**

(a) **Exhibit B** of the MOU is replaced in its entirety with **Exhibit B** attached to this First Addendum. The Parties desire to modify **Exhibit B** to change the hourly rate for normal (ROUTINE AND COMMON) non-supervisory services by GCSO officers from \$25.00 per hour to \$36.07 per hour.

(b) The last three sentences of Paragraph 4 of the MOU are hereby amended in their entirety to read as follows:

“In addition to the compensation addressed in this Paragraph 4, the GCSO shall be authorized to use two (2) CCPD patrol vehicles during the term of this MOU. The GCSO shall be provided the use of the two (2) CCPD patrol vehicles at no charge. Any GCSO officer(s) using either of the two (2) CCPD patrol vehicles shall constitute an authorized driver of the vehicle and the City shall continue to maintain the City’s automobile/physical damage coverage policy of insurance on all CCPD patrol vehicles, at no cost to the GCSO.”

(c) Notwithstanding anything in the MOU to the contrary, the MOU shall be amended such that all references in the MOU to the “MOU” shall refer to the MOU, as modified and amended by this First Addendum.

3. **Effective Date of New Hourly Rate for Normal Non-Supervisory Services.** The City Manager and the GCSO Sheriff shall be authorized to jointly determine the date on which the new hourly rate set forth in **Exhibit B** shall be effective.

4. **Conflict.** This First Addendum is and shall be construed as a part of the MOU. In case of any inconsistency between this First Addendum and the MOU, the provisions containing such inconsistency shall first be reconciled with one another to the maximum extent possible, and then to the extent of any remaining inconsistency, the terms of this First Addendum shall be controlling.

5. **Force and Effect.** Except as set forth in this First Addendum, the terms and conditions of the MOU shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this First Addendum to Memorandum of Understanding Regarding Law Enforcement Services, to be effective as of the date of mutual execution of the Parties. By the signature of each of their respective representatives below, the GCSO, the City and the CCPD each affirm that they have taken all necessary and proper action to authorize their respective representatives to execute this First Addendum.

**GILPIN COUNTY SHERIFF'S OFFICE**

By: \_\_\_\_\_  
Bruce Hartman, Sheriff

**CITY OF CENTRAL, COLORADO**

By: \_\_\_\_\_  
Daniel R. Miera, City Manager,  
Authorized Pursuant to Resolution  
No. 16-12

**ACKNOWLEDGED BY:**

**CENTRAL CITY POLICE DEPARTMENT**

By: \_\_\_\_\_  
Terry Krelle, Police Chief

THE FOREGOING FIRST ADDENDUM TO  
MEMORANDUM OF UNDERSTANDING  
REGARDING LAW ENFORCEMENT  
SERVICES IS HEREBY RATIFIED AND  
APPROVED THIS \_\_\_ DAY OF \_\_\_\_\_,  
2016, BY THE BOARD OF COUNTY  
COMMISSIONERS OF TH COUNTY OF  
GILPIN.

By: \_\_\_\_\_

Chair

**Exhibit B**  
Compensation / Payment

Pursuant to Paragraph 4 of the MOU as modified by that certain First Addendum to the MOU, the compensation rate for normal (ROUTINE AND COMMON) services shall be:

1. For non-supervisory services by GCSO officers \$36.07 per hour or portion of hour; and
2. For supervisory services GCSO officers NA dollars per hour or portion of hour.

Pursuant to Paragraph 4 of the MOU, the compensation rate for special (SPECIAL EVENTS, HOLIDAYS, AND SIMILAR) services shall be:

1. For non-supervisory services by GCSO officers \$\_\_\_\_\_ per hour or portion of hour;  
and
2. For supervisory services GCSO officers NA dollars per hour or portion of hour.



## AGENDA ITEM # 10

### CITY COUNCIL COMMUNICATION FORM

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**TO:** Mayor Engels and Members of City Council

**FROM:** Marcus McAskin, City Attorney

**DATE:** April 12, 2016 (Meeting Date April 19, 2016)

**ITEM:** Resolution No. 16-13: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, WAIVING CERTAIN APPLICATION REQUIREMENTS FOR THE CITY'S 2016 ACCESS PROJECT AND CONDITIONALLY APPROVING AN ACCESS PERMIT FOR THE PROJECT

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☐ ORDINANCE  
☒ MOTION / RESOLUTION  
☐ INFORMATION

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- I. **REQUEST OR ISSUE:** Resolution No. 16-13 ("Resolution") ratifies the City Manager's conditional approval for an access permit for certain access improvements on the Central City-Casino Parkway.

Specifically, the City desires to permit and construct two access ramps:

- (1) Providing access off the Parkway (near the KOA Campground); and
- (2) Providing access to the Parkway (the Virginia Canyon Road on-ramp).

Collectively, these improvements are referred to as the *Central City Parkway Access Project* (the "City Project").

Preliminary engineering plans for the City Project ("Plans") have been completed by the City's consulting engineer, JVA, Inc. and are on file with the City.

- II. **RECOMMENDED ACTION / NEXT STEP:** Approval of Resolution No. 16-13.
- III. **FISCAL IMPACTS:** By adoption of the 2016 Budget, the City Council has appropriated \$230,000.00 for completion of the City Project in 2016. Approval of Resolution No. 16-13 will allow the City to commence with the City Project according to the tentative project schedule set forth below.
- IV. **BACKGROUND INFORMATION:** The City's Parkway Access Code is set forth in Article VII of Chapter 8 of the Municipal Code. Section 8-7-40 of the Access Code requires that any newly proposed access requires an access permit from the City.

Section 8-7-50(b) of the Access Code authorizes the City to waive any application requirements based on the nature of the application submittal. This office is informed that the City Manager has previously determined that the following application requirements may be waived for the City Project:

- (1) Completed application form,
- (2) Payment of application fees and changes,
- (3) Drainage study and drainage plan,
- (4) Street lighting plan, and
- (5) Traffic impact study.

I am also informed that the City has consolidated the preliminary submittal and final submittal review processes, and that other submittal requirements referenced in Section 8-7-70(3) of the Access Code including the performance, payment and completion guarantee and insurance requirements, have been waived given that the City is self-performing the 2016 Project.

As of the date of this Council Communication Form, the City Project has been approved for an access permit by the City Manager in accordance with Section 8-7-80 of the Access Code based on the City Manager's determination that the following criteria have been met:

- (1) The application and all supporting documentation (including, as applicable, all application materials waived by the City Manager) are in conformance with the requirements of Article VII of Chapter 8 of the Municipal Code;
- (2) The proposed access will not adversely affect the Parkway or impede traffic flow or present a safety hazard to other users of the Parkway; and
- (3) The proposed access will serve the best interests of the City in promoting the health, safety, and welfare of its residents.

Section 8-7-90 of the Access Code states that no access to the Parkway shall be permitted unless there is full compliance with the Access Code and approval is granted in writing by the City Manager through issuance of an access permit in consultation with the Central City Business Improvement District ("CCBID") and upon ratification by City Council.

The primary purpose of the Resolution is to ratify the City Manager's conditional approval of the access permit so that the City may proceed with construction surveying and commence with the City Project on the following tentative schedule:

- By end of April complete surveying work
- By beginning of May commence with dirt work
- By mid to late May commence with paving operations
- By late May/early June complete all traffic signage including placement of the "DO NOT ENTER", stop signs and other directional signage specifically referenced in the Plans
- Installation of all guardrails and associated tie-ins by July, 2016.

V. **LEGAL ISSUES:** None. The waiver of application and submittal requirements is specifically authorized in the Access Code.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A

VII. **SUMMARY AND ALTERNATIVES:** City Council may approve the Resolution or table the item for further discussion and consideration.

**PROPOSED MOTION:** "I MOVE TO APPROVE RESOLUTION NO. 16-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, WAIVING CERTAIN APPLICATION REQUIREMENTS FOR THE CITY'S 2016 ACCESS PROJECT AND CONDITIONALLY APPROVING AN ACCESS PERMIT FOR THE PROJECT."



**CITY OF CENTRAL, COLORADO  
RESOLUTION NO. 16-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,  
COLORADO WAIVING CERTAIN APPLICATION REQUIREMENTS FOR THE  
CITY'S 2016 ACCESS PROJECT AND CONDITIONALLY APPROVING AN ACCESS  
PERMIT FOR THE PROJECT**

WHEREAS, pursuant to C.R.S. Section 31-15-702 and Section 43-2-147(1), the City of Central ("City") is authorized to regulate vehicular access to and from any public highway under its jurisdiction from or to property adjoining a public highway in order to protect the public health, safety and welfare; and

WHEREAS, the City has adopted a Parkway Access Code ("Access Code"), codified in Article VIII of Chapter 8 of the Municipal Code, to regulate access to and from the Central City-Casino Parkway; and

WHEREAS, the City desires to permit and construct certain access ramps providing access off of the Parkway (near the KOA Campground) and to the Parkway (the Virginia Canyon Road on-ramp), collectively known as the Central City Parkway Access Project (the "City Project"); and

WHEREAS, preliminary engineering plans for the City Project have been completed by the City's consulting engineering, JVA, Inc., which plans consist of five (5) sheets and are titled "Central City Parkway Access Improvements" (the "Plans"); and

WHEREAS, a copy of the Plans are on file with the City; and

WHEREAS, the City's Public Works Department intends on self-performing or overseeing all work associated with the City Project; and

WHEREAS, the City has previously consulted with the Central City Business Improvement District ("District") regarding the City Project; and

WHEREAS, Section 8-7-40 of the Access Code requires that any newly proposed access requires an access permit; and

WHEREAS, Section 8-7-50(b) of the Access Code authorizes the City to waive any application requirements based on the nature of the application submittal; and

WHEREAS, the City Manager has previously determined that the following application requirements may be waived for the City Project:

- (1) Completed application form (not required),
- (2) Payment of application fees and changes (not required),
- (3) Drainage study and drainage plan (not required),

- (4) Street lighting plan (not required),
- (5) Traffic impact study (not required; and

WHEREAS, the City Manager has also previously determined that the preliminary submittal and final submittal review process may be consolidated for the City Project and that the other submittal requirements referenced in Section 8-7-70(3) including the performance, payment and completion guarantee and insurance requirements, may be waived given that the City is self-performing the 2016 Project; and

WHEREAS, the City Project has been approved for an access permit by the City Manager in accordance with Section 8-7-80 of the Access Code based on the City Manager's determination that the following criteria have been met:

- (1) The application and all supporting documentation (including, as applicable, all application materials waived by the City Manager) are in conformance with the requirements of Article VII of Chapter 8 of the Municipal Code;
- (2) The proposed access will not adversely affect the Parkway or impede traffic flow or present a safety hazard to other users of the Parkway;
- (3) The proposed access will serve the best interests of the City in promoting the health, safety, and welfare of its residents; and

WHEREAS, no access to the Parkway shall be permitted, unless (i) there is full compliance with the requirements and standards set forth in the Access Code by the party seeking access approval; and (ii) approval is granted in writing by the City Manager through issuance of an access permit in consultation with the District and upon ratification by the City Council; and

WHEREAS, the City may issue an access permit only after (i) review of the engineering plans and related documentation; (ii) payment of all taxes, assessments, charges and fees prescribed under this Parkway Access Code; and (iii) approval thereof by the City, in consultation with the District; and

WHEREAS, the Access Code requires the access permit to set forth the term thereof, any conditions relating to access to the Parkway and the completion of access improvements, and incorporate by reference of all provisions of the Access Code; and

WHEREAS, the City has consulted with the District, and the District concurs with the City to conditionally approve the access permit as set forth below; and

WHEREAS, the City Council has reviewed details of the City Project, the Council Communication Form prepared for this Resolution No. 16-13 and related materials, and desires to ratify the City Manager's approval of the access permit for the City Project; and

WHEREAS, the City Council determines that the KOA Property constitutes "benefitted property" within the meaning set forth in Section 8-7-130 of the Access Code and that the KOA Property shall be required to be included into the boundaries of the District in accordance with applicable law; and

WHEREAS, a Petition for Inclusion of the KOA Property is attached to this Resolution as **Exhibit 1** and is incorporated herein by reference (the "Petition for Inclusion"); and

WHEREAS, the KOA Property is described in the Petition for Inclusion; and

WHEREAS, the City Council specifically finds that the City Project satisfies all three (3) of the criteria of approval set forth in Section 8-7-80 of the Access Code.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, THAT:**

**Section 1.** The foregoing recitals are adopted and incorporated herein as findings of the City Council.

**Section 2.** The City Council hereby ratifies and approves the City Manager's decisions to: (a) waive certain application requirements for the City Project; (b) waive other submittal requirements including the financial guarantee required by Section 8-7-70(3) of the Access Code; and (c) consolidate the preliminary and final submittal review processes for the City Project.

**Section 3.** The City Council hereby ratifies the City Manager's approval of the access permit for the City Project subject to the conditions and restrictions set forth in Sections 4-8 of this Resolution and any other applicable requirements of the Central City Municipal Code.

**Section 4.** Prior to commencement of construction work, the City's Public Works Director shall, in consultation with JVA, Inc., finalize the construction plans (at a scale not exceeding one (1) inch to twenty feet) and shall complete a traffic control plan to be implemented during construction of the City Project.

**Section 5.** Prior to commencement of construction work, the City shall provide Certificates of Insurance naming the Central City Business Improvement District as an additional insured, in a form approved by the Colorado Intergovernmental Risk Sharing Agency, in the specific amounts specified in the Access Code.

**Section 6.** Prior to commencement of construction work, the City shall provide to the District a certificate of insurance covering Workman's Compensation or other satisfactory evidence that this liability is otherwise in accordance with the law.

**Section 7.** Prior to commencement of construction work, the owner of the KOA Property (Whispering Pines LLC or its successor(s) and/or assign(s)) shall execute a Petition for Inclusion in substantially the form attached hereto as **Exhibit 1** and shall file the same of record

with the City Clerk, together with a cost deposit of \$250.00 to cover publication costs and other expected costs to be incurred by the City and District during the inclusion proceeding.

- A. The City Council specifically finds that any delay by the owner(s) of the KOA Property to submit the executed Petition for Inclusion shall not delay the commencement or completion of the City Project, as the timely completion of the City Project during the limited 2016 construction season is critically important to completing the same within the approved budget for the City Project, as set forth in the 2016 budget and appropriated by Council.
- B. If the owner(s) of the KOA Property fails to submit the Petition for Inclusion, the City shall be authorized to withhold any business license(s), sales tax license(s), or other licenses that the owner is required to have to legally operate the KOA Campground in the City.

**Section 8.** Any future consideration for a modification to this access permit, including any proposed modifications or changes to turning movements, shall be subject to all applicable requirements of the City's Parkway Access Code, as adopted by the City Council at the time of re-application.

**Section 9. Severability.** If any section, paragraph, clause, or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Resolution, the intent being that the same are severable.

**Section 10. Effective Date.** This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 19<sup>th</sup> DAY OF APRIL, 2016.

**CITY OF CENTRAL, COLORADO**

By: \_\_\_\_\_  
Ronald E. Engels, Mayor

**ATTEST:**

**APPROVED TO FORM:**

By: \_\_\_\_\_  
Reba Bechtel City Clerk

By: \_\_\_\_\_  
Marcus A. McAskin, City Attorney

Resolution Exhibits:

**Exhibit 1** – Petition for Inclusion

Exhibit 1

Petition for Inclusion of Property

PETITION FOR INCLUSION OF PROPERTY  
into  
CENTRAL CITY BUSINESS IMPROVEMENT DISTRICT

TO: City Council, City of Central, Colorado.

The undersigned, WHISPERING PINES LLC, hereby respectfully petitions the City Council pursuant to Section 31-12-1220, C.R.S., for the inclusion of the hereinafter described land into the Central City Business Improvement District (the "District").

The undersigned hereby requests that the herein described property be included in said District and that an Ordinance be adopted by the City Council including said property in said District, and that from and after the entry of such Ordinance, said property shall be liable for taxes, assessments and other obligations of said District.

The undersigned represents to the City Council that it is the owner of the property hereinafter described and that no other persons, entity or entities own an interest therein except as beneficial holders of encumbrances.

Acceptance of the Petition shall be deemed to have occurred at that time when the City Council sets the date for the public hearing for consideration of the Petition.

This Petition is accompanied by a deposit of two hundred and fifty dollars (\$250.00); said deposit is believed to be sufficient to pay all pre- and post-acceptance costs of the inclusion proceedings, but should said deposit be insufficient, the undersigned further agrees that it shall pay in full the fees and costs incurred by the City and the District for the publication of notice of the hearing on inclusion, publication of the ordinance approving the inclusion (if any), filing and recording fees, and all other costs of inclusion of the land into said District, whether or not such inclusion is approved.

The description of said land situate in the County of Gilpin, State of Colorado, is:

Parcel: 1835-13-1-00-023

Account: R013092

Property address: 605 Lake Gulch Road

all in the City of Central, County of Gilpin, State of Colorado.

Being all of that certain property described in Special Warranty Deed recorded on April 21, 2010 at Reception No. 141341 in the real property records of Gilpin County. This is a verified petition.

Petitioner(s): Whispering Pines LLC

Petitioner  
Street Address: 605 Lake Gulch Road  
Central City, CO 80427

Petitioner  
Mailing Address: Whispering Pines LLC  
7471 E. Windwood Way  
Parker, CO 80134

Petitioner: WHISPERING PINES, LLC, a Colorado  
limited liability company

By: \_\_\_\_\_  
Charles Spencer, Managing Member

STATE OF COLORADO                    )  
                                                          ss.  
COUNTY OF \_\_\_\_\_                  )

The foregoing Petition was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Charles Spencer as the Managing Member of Whispering Pines, LLC, a Colorado limited liability company.

Witness my hand and official seal.

My Commission Expires:

\_\_\_\_\_  
Notary Public Signature

# Agenda Item #11

## Proclamation

*Municipal Clerks Week*

*May 1 – May 7, 2016*

*Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world; and*

*Whereas, The Office of the Municipal Clerk is the oldest among public servants, and*

*Whereas, The Office of the Municipal Clerk provides a professional link between the citizens, the local governing bodies and agencies of government at other levels, and*

*Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and*

*Whereas, The Municipal Clerk serves as the information center on functions of local government and community; and*

*Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations; and*

*Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.*

*Now, Therefore, I, Ronald E. Engels, Mayor of the City of Central, do hereby recognize the week of May 1 through May 7, 2016 as Municipal Clerks Week, and further extend appreciation to our City Clerk, Reba Bechtel and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.*

*Dated this 19<sup>th</sup> day of April, 2016*

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*Ronald E. Engels, Mayor*





**To:** Mayor and Council

**From:** Daniel R. Miera, City Manager

**Date:** April 19, 2016

**Re:** Staff Report

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❖ **General**

- Conducted regular Staff Meetings (Weekly Management Team Meeting).
- Various meetings with council members, staff, and community members.
- Attended Rotary Meetings and Leadership Trainings (my position/service as President of the Peak to Peak Club will commence on July 1, 2016).
- Participated in the City Council Strategic Planning Session – Phase 2
- Attended the Quarterly Metro City and County Management Association (MCCMA) Meeting in Denver.
- Professional Development: received notice of acceptance to the Harvard University Kennedy School Executive Education Program – *Senior Executives in State and Local Government* – Cambridge, MA (June 6 – June 24, 2016).
- Important Upcoming Event/Date:
  - Friday, May 13<sup>th</sup> – MSCC Community Cleanup Event.

❖ **Finance / HR**

- Job Opening Posted: Water Department – *Water Operator* (due to resignation – Chrystal Ruby-Carrillo).
- Job Opening Posted: Community Development – *Central City Ambassador* (on-call back-up).
- Working with Finance Director Adame and City Attorney McAskin on a proposed Ordinance that would allow the City to work with the State on local tax collection.
- Met with City Finance Director Adame and County Finance Director Smith to discuss and clarify property tax mill levies (particularly the refunds/abatements piece of the certification process).

❖ **Legal**

- Worked with City Attorney McAskin to draft Ordinance No. 16-01 (Traffic and Miscellaneous Regulations) – prompted by issues concerning Leavitt St.
- Worked with City Attorney McAskin to draft Ordinance No. 16-02, proposing a ballot issue for the November 2016 Election (5% tax on all retail marijuana sales in the City).
- Participated in a meeting between City staff and County staff to move the drafting of the Law Enforcement IGA forward.

- Worked with City staff and County staff to develop an addendum to the existing Law Enforcement MOU (Resolution No. 16-12), allowing for increased levels of assistance and mutually beneficial staffing levels (regardless of whether an IGA is ultimately approved).
- Met with Municipal Judge Gloss to discuss case loads and the perpetual existence of a Municipal Court regardless of any action taken by the City with respect to the MOU and/or a proposed IGA.
- Attended the Local Government Law Conference in Denver.

#### ❖ **Community Development / Planning**

- Worked with Community Development Director Rears and City Attorney McAskin to develop an application/permitting process for the City in connection with the CCP Access Project and the Parkway Access Code (Resolution No. 16-13).
- Consulted with the CCBID on the CCP Access Project and fielded related comments regarding its construction.

#### ❖ **Intergovernmental**

- Met with GAA Director Daruna to discuss operations.
- Attended a CCBID Board Meeting.
- Met with KOA Manager Chuck Spencer and Community Development Director Rears to discuss the CCBID (tax) inclusion situation.
- Organized an April meeting with a Bondholder representative.

#### ❖ **Public Works**

- The Public Works crew is nearing completion of the string light installation along Lawrence/Eureka.
- Worked with Public Works Director Hoover to begin changing the status of two (2) existing parking spaces on Gregory St. – corner of Gregory St. and Main St. (Google Maps photo of subject area is attached hereto for reference). The spaces will be converted to “Loading and Unloading Only”. This should alleviate some of the increased complaints concerning loading/unloading issues on Main St. (just north of the Gregory St. intersection).
- Worked with Public Works Director Hoover to develop a possible solution to the issues with the crosswalk on Lawrence St. (in front of Johnny Z’s), which ultimately may not require the elimination of an on-street parking space (as previously anticipated).



Image capture: Oct 2012 © 2016 Google

Central City, Colorado

Street View - Oct 2012



Google Maps

Subject Parking Spaces  
Two (2)

11



Two (2)  
adjacent parking spaces

## City Clerk's Office

**To:** Mayor Engels, City Council, and City Manager Miera

**From:** Reba Bechtel, City Clerk

**Date:** April 19, 2016

**Re:** Bi-weekly Report

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- Prep for the Regular Council meeting of 4/19.
- Prepped and attended and processed documents for Court on 4/11.
- Prepped and attended HPC on April 13.
- Attended a Court Basics II class in Lakewood.
- Processed and issued the renewal for Hotel & Restaurant Liquor License for CC Gaming LLC dba Johnny Z's Casino at 132 Lawrence Street.
- Processed and issued the renewal for Hotel & Restaurant Liquor License for CC Tollgate LLC dba Century Casino at 102 Main Street.
- Ongoing work with the Business/Sales Tax license program in our new Caselle software.
- Misc information regarding: sign permits, special events, building permits, code questions, HP, records research, liquor, marijuana, and zoning information.



To: Daniel R. Miera, City Manager  
Cc: Mayor and Council  
From: Abigail R. Adame, Finance Director  
Date: April 5, 2016  
Re: Staff Report

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➤ **Finance**

- Met with representatives from Moody's Insurance and reviewed Cigna's Mid-Year Report.
- Began working on the City's report for the annual Game Tax Hearing.
- Continued training on departmental job duties with Susan Berumen Accounting Clerk/Administrative Assistant.
- Participated in the Xpress Bill Pay demo. The demo illustrated the process for providing customers the ability to pay utility bills online. A timeframe for implementation will follow as further details are finalized.
- Added the Big-T Lot to our insurance coverage policy through CIRSA.



To: Central City Council  
From: Ray W. Rears, Community Development Director  
Date: April 19, 2016  
Re: Department Update

Community  
Development  
Department

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#### Development

- 1) Colvin Tract – Parking Lot – City of Black Hawk – Fmr. Clinic site.
  - a. Two meetings with applicant to discuss the conditions of approval.
  - b. Awaiting submittal from the applicant.
- 2) GIS Services – Consultant reviewed our data and will be translating it into accessible layers soon.
- 3) Comp Plan – Contract submitted to State.
  - a. RFP released. Mandatory pre-meeting held.
- 4) CDBG – Resilience Planning Grant received - \$75,000 (no match).
  - a. RFP being prepared.
- 5) Enterprise Zone – initial letter of interest sent to the NW Enterprise Zone.
- 6) Sidewalk Maintenance Policy Discussed
- 7) Discussion for a shared directional sign at the 'Y' with Gilpin History and Gilpin Arts.
- 8) McShane building is under contract. Site inspection with potential new owner.
- 9) Various initial development/building inquiries addressed.

#### IT/Web/Audio Visual

- 1) Website, Facebook and Twitter internal administration continues.
- 2) Channel 20 – Streaming to Web page work in progress.
  - a. New video created which includes Central City commercials.
- 3) Interactive Events Calendar currently being added to the website.

#### Historic Preservation

- 1) Staff is working with Hord Coplan & Macht regarding the Belvidere Theatre as they work on Historic Structure Assessment. Awaiting Draft Final report.
- 2) Historic Preservation State tax credits promoted under economic development tab on the City website.
- 3) Belvidere was named one of Colorado's most Endangered Places this year. A gofundme.com account has been established.

#### Code Enforcement - Active

- 1) Case 15-02 – 3<sup>rd</sup> High – Site investigation conducted - Letter sent.
- 2) Case 16-01 – Casey – Site investigation conducted - Under review by staff
- 3) Case 16-02 – Main Street – Site investigation conducted - Letter sent.
- 4) Case 16-03 – Hopper Street – Site investigation conducted - Under review by EPA/CDPHE
- 5) Case 16-04 – 4<sup>th</sup> High – Site investigation conducted - Letter sent.

### Events / Marketing

- 1) Attending Main Street meetings.
- 2) Met with organizers of Hot Rod Hill Climb and the Central City Hill Climb.
- 3) Met with BID, Mainstreet and Gilpin History to discuss upcoming events/ roles.
- 4) Welcome for CC Opera will be held on Main Street on June 27<sup>th</sup>.
- 5) Central City clean-up will be held on May 13<sup>th</sup>.
- 6) 2016 – Event Calendar has been distributed. Map/brochure arrived last week.
- 7) Billboard lessees have been selected. Local non-profit use of the City billboard will be determined this week.
  - a. City dedicated billboard will be installed near the end of March showing part of the event calendar.
- 8) Working with multiple publications for more visibility within the Metro area.
- 9) Branding work has started and two bids has been received.
- 10) Expanded stage, tents and Burma shave sign discussion with BID have occurred.
- 11) RFP – Monument Signage – In process.
- 12) Main Street Central City Activities:
  - a. Central City Photo Contest – Future CC postcards
  - b. Chair-ity event/auction – July 23<sup>rd</sup>
  - c. Focused large MSCC event – July 23<sup>rd</sup>
  - d. Central City Clean-up day – May 13<sup>th</sup>
  - e. \$2,500 grant will be applied for from the State.
  - f. Photo cutouts (Baby Doe etc.) in process.

### Visitor Center

- 1) Community Development has now assumed the administration of the Visitor Center.
- 2) All-hand meeting held.
- 3) New policies established
- 4) Updating the displays in the center as well as promotion of the Center is underway.
- 5) Central City T-shirts are now for sale.

### Staffing

- 1) Central City vests and/or hats which would identify staff working in and out of the City, including for events have arrived.
- 2) IT support staff facilitation continues.
- 3) Investigating a wellness program.
- 4) Back-up Central City Ambassador position is being advertised.

**To:** Mayor Engels, City Council, and City Manager

**From:** Sam Hoover, Public Works Director

**Date:** April 13, 2016

**Re:** Bi-weekly Report

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Over the past two-weeks, public works staff has performed the following activities:

- USA Cable contacted Staff – USA is ready to start removing cable and poles from Eureka St
- Put up new I-70 signs (part of New Mobility West's recommendation)
- Swept the Parkway, Main St, Gregory St, Virginia Canyon Rd
- Cleaned Sidewalks
- Changed filters on all city maintained HVAC units
- Tightened fence on the Parkway at mile marker 5



## MEMORANDUM

**DATE:** 31 March, 2016  
**TO:** Daniel Miera / City Manager  
**FROM:** Gary Allen / Fire Chief  
**RE:** Activity Report

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The Fire Department responded to 90 incidents as of 30 March, 2016 with 11 incidents being out of city, and of those 5 incidents was for Mutual Aid (MA) to other agencies. Following are the activities the department responded to and conducted for this reporting period.

Friday 11 March, 2016 - 00:34 AM / Medical, 102 Main St.

Friday 11 March, 2016 - 16:08 PM / Fire Alarm, 321 Gregory St.

Friday 11 March, 2016 - 17:32 PM / Medical, Residential – Hooper St.

Friday 11 March, 2016 - 21:27 PM / Medical, 132 Lawrence St.

Saturday 12 March, 2016 – 08:44 AM / Medical, Residential – Lawrence St.

Saturday 12 March, 2016 – 18:36 PM / Medical, 321 Gregory St.

Sunday 13 March, 2016 – 20:41 PM / Structure Fire, 356 Lodge Pole MA to Timberline Fire.

Monday 14 March, 2016 - 03:08 AM / Fire Alarm, 321 Gregory St.

Monday 14 March, 2016 - 16:47 PM / Smoke Investigation / Wildland Bald Mountain

Tuesday 15 March, 2016 - 15:44 PM / Medical / Traffic problem, Bald Mountain Road.

Wednesday 16 March, 2016 - 01:03 AM / Fire Alarm, 321 Gregory St.

Wednesday 16 March, 2016 - 20:52 PM / Medical, Powder Run Drive.

Thursday 17 March, 2016 - 21:40 PM / Structure Fire, 1742 Main Street in Georgetown - MA to Clear Creek Fire

Saturday 19 March, 2016 - 18:19 PM / Medical, 321 Gregory St.

Sunday 20 March, 2016 - 09:27 AM / Medical, Residential – Lawrence St.

Tuesday 22 March, 2016 - 09:27 AM / Fire Alarm, 107 Main St.

Tuesday 22 March, 2016 - 16:45 PM / Medical, 321 Gregory St.

Wednesday 23 March, 2016 - 04:45 AM / MVA, Gregory & Lawrence St.

Wednesday 23 March, 2016 - 12:50 PM / MVA, Virginia Canyon & Lake Gulch Rd.

Sunday 27 March, 2016 - 10:21 AM / Elevator Rescue, 135 Pine St.

Tuesday 29 March, 2016 - 07:23 AM / Medical, 410 Bobtail Hill Circle

### **Training**

Saturday 12 March, Rookie Training class 09:00 – 14:00 – Ladders, Ventilation, hose loads and fire streams.

Monday 14 March, Rookie class search & rescue at station 2 18:00 – 22:00.

Monday 14 March, Begin Hazardous Materials class at Clear Creek Fire in Dumont 18:00 – 22:00

Wednesday 16 March, Haz-Mat class at Clear Creek Fire in Dumont 18:00 – 22:00.

Due to snow storm on Thursday 17 March our regular department training was canceled.

Saturday 26 March, Haz-Mat class at Clear Creek Fire in Dumont 08:00 – 17:00.

Monday 28 March, Rookie Firefighter class on Wildland and take final test 18:00 – 22:00.

### **Meetings**

Attend staff meetings at City Hall.

Meet Mike Coleman with Motorola on some radio problems in R-31 in Denver.

Missed a City Council meeting due to an incident on Bald Mountain Road that ran from 15:44 PM to 20:30 PM

### **Apparatus**

Took C-31 (2006 Dodge Command) down to Denver for tires.

Replaced a windshield in C-31 (2006 Dodge Command) through Canyon Glass at our Station 2.

### **General**

Attended Timberline Fire Departments 2015 awards dinner and ceremony at the Gilpin Recreational Center.